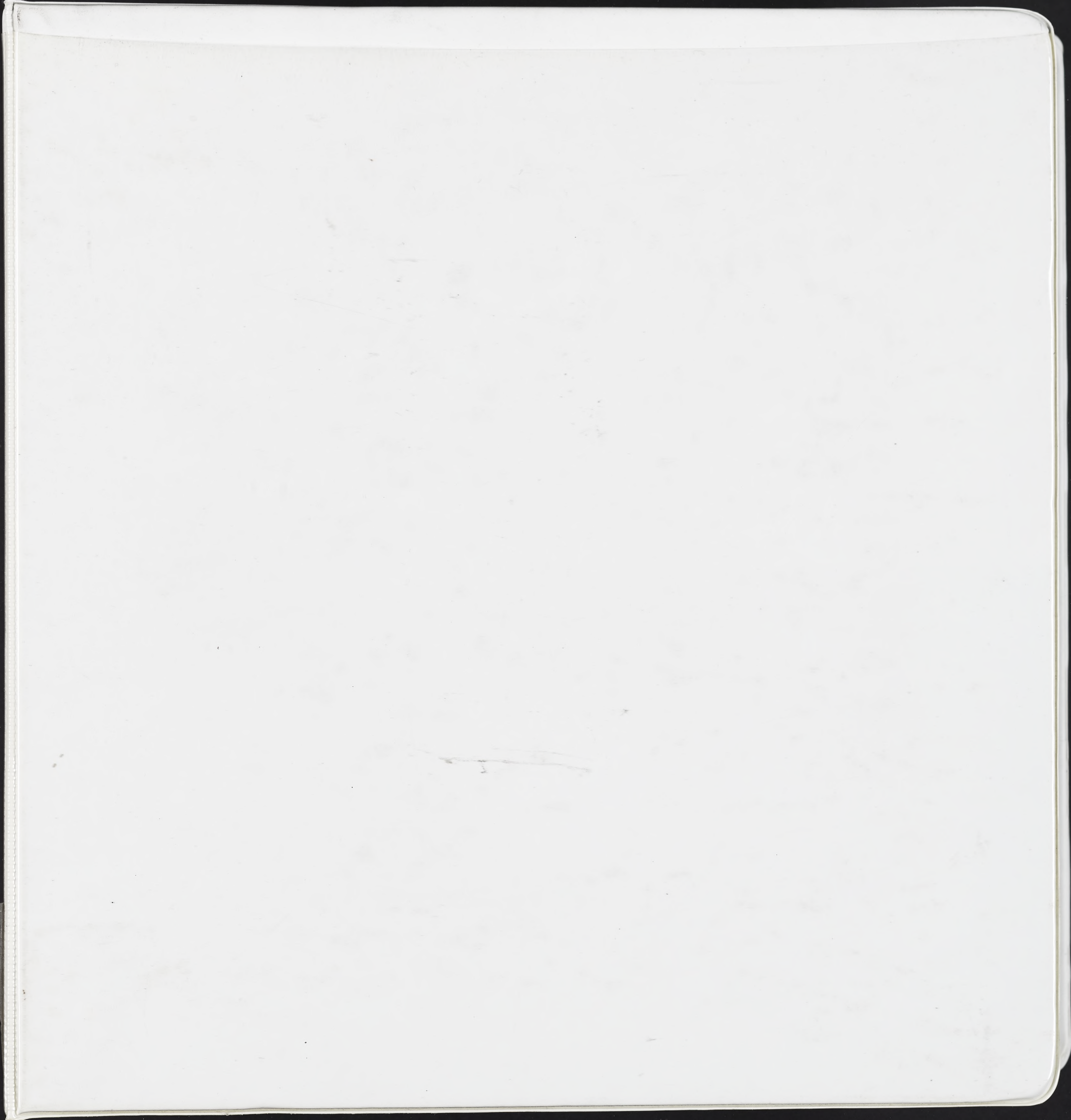




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WHEN SANTA CLARA COUNTY WAS YOUNG

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177. WORK OF THE FIRST LEGISLATURE (Continued)

their government immediately, as Missouri and Michigan had done. California was without county or township organizations, without means to levy or collect taxes, without state officers and courts, without a system for punishing criminals or protecting personal and property rights.

The legislature followed Governor Burnett's suggestion. The first governor and the first legislature had more power than their successors. The governor nominated a secretary of state whose nomination was confirmed by the senate. The legislature elected the first treasurer, comptroller, attorney general and surveyor general. Their successors were elected at state elections for governor and lieutenant governor.

The first legislature enacted a code of laws. Many of these were taken from the statutes of older states. These laws pertained to roads and bridges, fences, marks and brands, weights and measures, the creation of a state militia, the division of the state into senatorial and legislative districts.

An effort was made to have free negroes excluded from admission to the state, but this failed. However, a law was passed prohibiting Indians and negroes from sitting on a jury where a white man was concerned.

In order to raise immediate revenue for carrying on the government a tax of 50 cents for \$100 of assessed value was enacted. This was passed to break up the large land holdings in

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177. WORK OF THE FIRST LEGISLATURE (Continued)

the state, and was greatly opposed by the Californians, who felt that they were being discriminated against. A poll tax of \$5 a man was levied on the miners, and a license tax of \$20 a month was imposed on all foreigners.

So many bills were hurried through the first session of the legislature that Governor Burnett had not time to read them all. On the advice of the secretary of state and his private secretary he signed many of them.

That first winter of the legislature was one of great social gaiety, but considerable dissatisfaction was expressed concerning the temporary capitol building, and the inconveniences of living in San Jose, though there was not a city in the state with the exception of Monterey that could supply greater comfort. A bill ominous to the future distinction of San Jose made its appearance among the many other bills. It provided that the capitol should be removed to Monterey. The bill passed through the first reading, but was held over for further action.

178. "SLAP JACK" HALL

"Slap Jack" Hall was one of the famous institutions of 1849. Its creator and proprietor was "Grandma" Bascom, one of the brightest, merriest women of the old days. In spite of tragedies in her life, she always smiled.

"Grandma" Bascom was the wife of Dr. Bascom, for whom Bascom av. was named. He was the brother of Bishop Bascom of

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Kentucky.

The Bascoms drove to California with two mule teams. With them were Judge and Mrs. Kincaid. The Kincaids built two houses on the south side of San Fernando st. between First and Second. In one of these lived the Bascoms, and here was "Slap Jack" Hall.

When the Bascoms first arrived they felt the need of earning money. Already there were good physicians in San Jose, and a practice was slow to start.

"Doc," said Mrs. Bascom, "I'm going to do something to help."

The doctor laughed. "You can't do anything but talk."

"Yes, I can," she said. "I can make slap jacks. I'm going to make them to sell."

The doctor smiled. He was considerably older than his wife, and he was always amused by her bubbling enthusiasm. One day he came home and to his amazement found that San Jose history had been made. On a shake Mrs. Bascom had written, "Slap Jack Hall." There it was nailed on the front of the house staring at him.

Hardly had the advertisement been placed on the Bascom house when three men made their appearance and asked for slap jacks. Mrs. Bascom was right. She knew how to make slap jacks. They were very light, made of salt-rising yeast and water. She fried them in a large pan, and she had mastered the colored cook's

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178. "SLAP JACK" HALL (Continued)

trick of turning them by giving the pan a sharp little twist. Mrs. Bascom piled up before her guests the slap jacks and over them poured a syrup made of pinoche from the South Sea islands. She called it Mexican drip. She cut the flap jacks into quarters and with them she served coffee. Such portions brought one dollar.

After the first three guests ate Mrs. Bascom's flap jacks she and her place of business became famous. All the legislators rushed to Slap Jack Hall for they were a hungry band, and good food was not easily had in San Jose.

Mrs. Bascom's fame spread to the mines. When men from the placer creeks came to San Jose they made straight for Slap Jack Hall, ate Mrs. Bascom's cakes and listened to her delightful chatter. No one in San Jose was more popular than the hostess. Before the year was over she had more money than Dr. Bascom. When the capitol was removed from this city Slap Jack Hall ceased to exist, but always "Grandma" Bascom was a busy, sunshiny little creature, helping with her hands as well as with her gay conversation.

She simply could not stop talking. With her conversation she made money for charities and for church. Always she worked for the South Methodist church. Once she blackened her face and gave an impersonation of a southern cook in a southern kitchen. For the benefit of the church she made pumpkin pies and sold them.

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178. "SLAP JACK" HALL (Continued)

Judge Moore said to her, "Mrs. Bascom, I'll give you \$5 for the church if you'll stop talking five minutes." Mrs. Bascom stopped talking.

"Judge Moore," said Dr. Bascom, "I'll give my wife \$5 for the church if you will let her talk."

Another offer of \$5 was made if Mrs. Bascom would stop talking, another offer of \$5 if she would talk. In this way Mrs. Bascom raised \$50 for the church.

On another occasion she desired to collect funds, and pioneers say that a happening at this time coined the expression "Take the cake." Eggs were \$12 a dozen, and Mrs. Bascom determined to make a cake in a milk pan, serve with it mint julip, and by selling it earn funds to help the church. She invited the Americans as well as the prominent Spanish families to partake of the cake at her house.

Courteously Mrs. Bascom offered the cake to a prominent Spanish lady. The Spaniards were very lavish in their gifts, and so, this senora took it for granted that she was being given the entire cake. She made a deep bow and said, "Thank you, it will be so nice for my children."

The Spanish lady departed with the \$12 cake. The others present had to content themselves with mint julip. This, declare pioneers, was the origin of the expression, "Take the cake." Mrs. Bascom always enjoyed telling this story because she liked a joke on herself.

178. "SLAP JACK" HALL (Continued)

"Grandma" Bascom never admitted that she saw anything but the amusing side of life. She was never known to speak of unhappiness or gloomy subjects. Her son committed suicide because of an unfortunate love affair, but still "Grandma" Bascom smiled. Soon she would meet her son. Later the big manly Dr. Bascom died. He was the hero of all her girlhood dreams, but still she smiled. Soon she would go to him. She followed, but her smiles linger behind her. I have yet to see a pioneer who speaks of "Grandma" Bascom without a smile.

179. REMOVAL OF CAPITAL

San Jose had one winter of unalloyed joy in being the capital of California. No sooner did the legislature convene, January 6, 1851, than it was plain to be seen that San Jose's glory was too dazzling to endure. Several cities were envious of San Jose's prominence and they clamored to be the capital of California. Legislators grumbled about the capitol building and the prices asked by the boarding house keepers.

Monterey, so long the home of the governors of Spain and Mexico, seemed to have a reasonable claim. New York, on the San Joaquin river, which was represented by Jonathan Stevenson, and W. Parker, its proprietors, and calling itself New York on the Pacific, asserted its rights to being the capital. The formidable claimant was General Mariano Vallejo, who had long been known as the richest man in California, and who had a wonderful vision of a

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179. REMOVAL OF CAPITAL (Continued)

Dream City capital, which fascinated the imaginative. Vallejo said he owned extensive lands on the Straits of Carquinez and Napa river, where should be the capital in a city named Eureka. The general promised to donate to the state 156 acres of land for public buildings, including a state university, botanical gardens, schools, hospitals, asylums, and a penitentiary. He promised that he would also give within two years \$370,000 for the building. It was the promise of a Roman emperor, magnificent, but too magnificent to be realized. However, neither Vallejo nor Senator Broderick, afterwards U. S. SENATOR BRODERICK, realized the visionary character of the promise. Senator Broderick, who was a man of great ability and who was chairman of the committee dealing with the question, was delighted with the Dream City and used all his ability in forwarding its realization.

Assemblyman Isaac Thorne asked the committee to investigate the land promised by Vallejo. Thorne declared that the land was not worth \$5 an acre and that Vallejo could not ever make good his title to the land.

Then the pioneers of San Jose came forward nobly. Hotel-keepers promised to accept at par the scrip paid by the state to legislators. As the scrip was considered of little value, this was a decided concession; most of the legislators were poor, and board was at least \$5 a day.

James F. Reed was spokesman for San Joseans who offered four blocks of land and 160 lots which were to be sold to raise

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179. REMOVAL OF CAPITAL (Continued)

funds for building the capital.

Ex-Alcade Charles White offered one and a half square miles of land about three miles from the center of the city on condition that the state should lay it off in lots for sale, reserving a sufficient area for public buildings. He wished that one-third of the amount realized therefrom be paid to him and the remaining two-thirds to the state to be used in erecting the buildings.

John Townsend and his friends promised two hundred acres in the vicinity of San Jose provided that the state would erect thereon all public buildings except the penitentiary.

Vallejo was not to be outdone in offers. He came forward promising to supply buildings for state officers for 25 per cent less than San Jose could erect them. The rooms would be ready June 1, 1851, and the rent would be free for three seasons.

It was as exciting as a horse race or an auction. San Jose then offered to give rooms to legislature until the capitol building should be completed.

Both San Jose and Vallejo forces claimed victory. Leaders on each side counted their adherents' noses. Senator Tingley of Santa Clara made a strong, able fight for San Jose. Till the eve of election San Joseans believed that they had won.

Then something suddenly happened. It may be unjust to say so, but corruption was charged. A bill was rushed through the

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179. REMOVAL OF CAPITAL (Continued)

assembly giving Vallejo the victory. It passed February 14. It passed the senate April 22nd 1851. The legislature held its last session in San Jose May 1st 1851.

October 7, 1852, the question was put before the people. Vallejo received 7427 votes, San Jose 1292 and Monterey 399. New York on the Pacific was not heard of.

San Jose was stunned by the loss of the capital, and for a year or two business was lifeless. January 3, 1852, the legislature met at Vallejo, which was the official name of the new Dream City. The legislators who grumbled at the accommodation at San Jose now found themselves sitting on cracker boxes.

Seven days later the capital was transferred to Sacramento. January 3, 1853, the legislature again met at Vallejo. The capital was removed to Benicia February 11 of the same year. There it remained for the rest of the session. By this time it was realized that the Vallejo Dream City was only a dream. A bill was passed fixing the capital at Sacramento.

San Jose did not give up hope. She sold the state building for \$38,000. The building was destroyed by fire April 29, 1853. She still continued her fight. In 1854 her last stand was made before the Supreme Court. The Supreme Court declared that it would hold sessions in San Jose. This was giving life to a corpse. On the strength of this decision of the Supreme Court San Joseans obtained a writ of mandamus against all state officers, commanding them to remove their offices to San Jose or show cause why

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179. REMOVAL OF CAPITAL (Continued)

they should not do so.

Meanwhile San Jose lost a valued friend on the supreme bench. Justice Wills died, and Governor Bigler, who was in favor of Sacramento, appointed a man favoring that city. Sacramento was made the capital of California. San Jose's hope was at last dead.

In Sacramento the capital has remained, only once temporarily removing elsewhere. During the floods in the sixties the capital for awhile was San Francisco. About that time a committee was appointed to bring about the removal of the capital to San Jose, but nothing came of it. However, about 30 years ago once in a fit of pique at critics, the legislature did vote to transfer the capital to this city, but no action followed the vote to bring back the capital to its first home.

Some San Joseans continue to feel that this city should be the capital. Recently one of the pioneers said to me:

"Imagine Sacramento the capital. Legislators die of malaria all the time. No wonder! They go to the capital in row-boats!"

180. BEAUX OF THE FIFTIES

The late Ralph Lowe, the capitalist, was for many years the Beau Brummel of San Jose. He was the son of the late James R. Lowe, an Englishman, the first landscape gardener of San Jose. For years Ralph Lowe was manager of the merchandise store at the New Almaden mine. Until his death he was an active business man

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180. BEAUX OF THE FIFTIES (Continued)

and a keen sportsman, one of the best fishermen in the county. Every summer the trout caught by him at Tahoe was the delight of his friends.

Never in the old days was there a party without Ralph Lowe. Mr. Lowe once showed me two interesting cards of fashionable balls in the 50s. One was given in 1858 by the Young Men's Social club. The social club gave a monthly ball in a hall in the second story of a building where is now Hart's store. The other card was of the second ball of the Santa Clara Valley Agricultural society in the city hall, Friday evening, Oct, 21, 1859. Both were important social events. Of all the beaux who organized these two dances, Mr. Lowe, at that time more than 80 years of age, was the only survivor.

The officers of the Young Men's Social club were: William McCune, editor of the Tribune; Judge S. O. Houghton, afterwards congressman; William R. Yountz, a telegraph operator, and William A. Lewis, the jeweler. Other members of the dancing club were John B. Hewson, for years county clerk; Levi Peck, deputy county clerk; William R. Davis, at one time county assessor; Augustus Redman, John M. Murphy, J. H. Flickinger, the fruit packer; James H. Gardner, George Evans, John M. Sherwood, B. D. Dewey, C. E. Cheney, A. W. Bell, Ralph Lowe, L. P. Peck, Joseph Bassler, John R. Yontz, John H. Gregory, Alexander Beatty, S. Bassler, John Pearl, P. O. Minor, Edward McGowan and William H. Travers.

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180. BEAUX OF THE FIFTIES (Continued)

The men who made up the reception committee of the Santa Clara Agricultural society were: James F. Kennedy, John D. Hewson, William A. Lewis, Patrick Murphy, Col. Hollister and Joseph R. Weller. The managers of the ball were William T. Wallace, afterwards justice of the supreme court of California; Coleman Younger; R. G. Moody, father of David Moody; Maj. Samuel J. Hensley; William A. Gray, Louis Prevost, E. S. Chipman and William Reynolds. The floor managers of the ball were John Murphy and H. H. Winchell, two of the most popular young men of San Jose. The program shows that dances in vogue were the quadrille, schottische, mazourka, polka waltz, quadrille coquette, highland schottische, varsovienne, the Spanish dance and the quadrille march.

Mr. Lowe's cards revealed who were the belles of that time present at the parties. They were: Mrs. John M. Murphy, Mrs. Mattie Reed Lewis, Miss Mary Yontz, Miss Dora Bascom, daughter of Dr. and Mrs. Bascom, the Misses Skinner, daughters of Judge and Mrs. Skinner, Miss Jackwood, Miss Sallie Burnett, daughter of Governor and Mrs. Burnett (Miss Burnett later became Mrs. Poe); Miss Daniels, daughter of Judge and Mrs. Daniels; the Misses Martin, daughters of Julius Martin of Gilroy; the Misses Young and Miss Mary Smith.

"Which", I dully asked Mr. Lowe, "was the prettiest of the ladies?"

"Impossible to say," replied Beau Brummel. "They were a perfect boquet."

181. LIGHTSTON AND SOTO MEMENTOS

Among the most interesting pioneer mementos are those in the possession of the Lightston and Soto families. They are the property of Miss Emily Lightston, who treasures them very highly. Miss Lightston is the daughter of the late Frank and Juanita Soto Lightston. Mr. Lightston was the first city treasurer. He came to San Jose from Bavaria in 1845. He became a clerk for Charles M. Weber, who had a store in what later became Lightston st.

Mr. Lightston stayed in the house of Mr. Weber, who lived in Market, opposite Elrodaro st.. Next the Weber residence was the adobe of Juan Soto, who was a relative of the great Indian fighter, Dolores Soto, the first Spanish child born at the Mission Dolores. The Sotos had a large ranch near Mt. Diablo.

Juan Soto had a beautiful daughter, Juanita, tall, stately and dark. The susceptible young Bavarian fell in love with her. His devotion was returned. The young people were married, and Charles Weber was so pleased with the match that he gave "Frank" his half interest in his store and moved to Stockton. Mrs. Lightston always retained her beauty. Even in her last years she was a splendid example of the best of **leveliness** of the Spanish-Californians.

Of the Lightston children who survive are Miss Emily, Louis Lightston and Frank Lightston. Charles Lightston Jr. is dead. Like his father, he was city treasurer. Mrs. Rosina Lightston Cady and Miss Juanita Lightston are both dead. All the

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181. LIGHTSTON AND SOTO MEMENTOS (Continued)

Lightston girls were educated at Notre Dame. Among the mementos of Notre Dame Miss Lightston has hair necklaces made by her at the convent.

The family jewelry of Miss Lightston consists of diamonds, bracelets, necklaces and rosaries, all of which was bought by her father for her mother of Jackson Lewis. Nothing was too handsome for Frank Lightston to buy for his wife. Once he paid \$5 for a pear that pleased her. He sent east and bought her one of the first pianos. He also gave her one of the first carriages ever seen in San Jose. Sometimes when the Lightstons were driving in this carriage they met Tiburcio Vasquez. Afterwards in the county jail Vasquez said to Mr. Lightston:

"Often I saw you and your beautiful wife. If it had been any one but you I would have held you up."

Other mementos of Mrs. Lightston in the possession of her daughter are two of the finest Spanish shawls ever seen in San Jose. One is a brown, beautifully embroidered, and the other is a cream shawl embroidered in gay roses.

Of especial interest among Miss Lightston's possessions is a silver spectacle case containing a pair of quaint old-fashioned spectacles with gold rims. On the case is engraved the name of the owner, Petra Pacheco de Soto. Mrs. de Soto was the grandmother of the Lightston family. She died about 35 years ago at the age of 92. She was born Petra Pacheco and was one of those who worked in

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181. LIGHTSTON AND SOTO MEMENTOS (Continued)

St. Joseph's. Every morning until shortly before her death she arose at 5 o'clock and made her way to St. Joseph's to mass. Mrs. de Soto's life stretched back into the 18th century.

182. Captain Stevens of Stevens Creek.

One of the best known characters of the county in early days was Capt. Elisha Stevens of Stevens creek. No one knows precisely the date of his arrival in California but he probably led a party over the Sierra Nevada mountains in 1844. In the very early fifties Capt. Stevens took up about 300 acres of government land and became the first settler on Stevens creek on what has long since been called Blackberry farm but which later was rechristened Glen Brook. The first name still clings to the place. Blackberry farm has been the scene of many picnics. When it was owned by Mr. McCaulay summer boarders were kept there.

Capt. Stevens was the first English speaking settler in the Cupertino district. He was a man used to solitude. Many years he had lived in the west, and he always sought remote spots. He never wore a coat, and Mr. McClellan, the sexton of the Saratoga cemetery, tells me that the captain wore a grey-blue shirt and a wide belt. In his belt was a knife.

Originally Capt. Stevens came from Georgia, where he had been an overseer of slaves. The story goes that he was in love with the planter's daughter. One morning she found him lashing a slave. She asked him to desist. He declined to do so. It

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WHEN SANTA CLARA COUNTY WAS YOUNG

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182. CAPTAIN STEVENS OF STEVENS CREEK (Continued)

destroyed the interest of the woman in her sweetheart. He left the south for the mountains of the west and never returned to his home place.

Captain Stevens lived in a tent when he first came to Blackberry farm. He used to tell the neighbors how the grizzlies came to visit him in his tent. The house built by Capt. Stevens went down with the earthquake. It was covered with split shakes six feet long.

Mr. McClellan of Saratoga, son of William T. McClellan, who bought part of the Stevens ranch, says Capt. Stevens was always surrounded by a group of odd people. There was the half-witted man who, under the captain's supervision set out and cultivated blackberries and did most of the work in the fruit orchard. The blackberries gave the place its name of Blackberry farm. Then there were the Overton brothers, who were always astonishing the neighbors by their inventions. One brother was a gunsmith. The brothers played with perpetual motion. They had washing machines, steam wagons, steam plows and once a week the steam wagon was exhibited to all the neighbors. Mr. McClellan as a lad saw it. The wagon was small and had four wheels. It had underneath several bits of iron shaped like horses' hoofs. It worked with a lever.

After a time a spiritualist medium came to join the curious people that Capt. Stevens gathered about him. Blackberry

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182. CAPTAIN STEVENS OF STEVENS CREEK (Continued)

farm became a ranch of dreams. The medium told them that they were all going to be rich from their inventions. They believed her so devoutly that the half-witted man went insane and thought he could see gold 200 feet under the earth. He died in an asylum. Capt. Steven was so delighted with the medium's prophecy that he gave her daughter a \$400 piano and kept the medium always about.

Several people died suddenly at Capt. Stevens' place. Some had smallpox. One had a fit. All were buried on the ranch. Settlers came early to disturb Capt. Stevens' solitude. In 1852 William T. McClellan and family bought 155 acres of Blackberry farm. Other neighbors came and Capt. Stevens said that the place was too thickly settled. About 1861 he moved to Kern island and took up a claim. He did not come back till the famous dry year of 1865, when he sold his remaining 62 acres. He died in the Kern river district.

Mrs. Payne of Payne av. has an interesting photograph of Capt. Stevens. When he returned from the south she asked him for his picture. He said he didn't like to dress up. She replied that she wanted a photograph of him just as he was. The captain then showed he had true artistic instinct. He cut some brush from his place, took it to San Jose, and had his picture taken with the brush on either side of him just as if he were that minute peering through the forest.

Blackberry farm was later sold to George McCaulay. After him it was owned by a man named Hayes. G. J. Byrne then bought it,

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182. CAPTAIN STEVENS OF STEVENS CREEK (Continued)

and now it is owned by Byrne's daughter, Mrs. McDonald, and Miss Byrne.

183. CAPTAIN ELISHA STEVENS' SNAKE DINNER

One of the oldest pioneers in Santa Clara county was Frank Grant, who lived in a beautiful mountain spot at the head of Grant rd. For Grant the road was named. One approached Grant's house from Grant's station by way of a wonderful oak park which is still in its virginity because Grant never allowed the trees to be cut. This lower part of the ranch formerly belonged to the Mesas' San Antonio ranch. The upper part was government land. Grant built his house in the forest on the west fork of Permanenta creek. This was in 1853. The old home dwelling still stands. Here Grant made his permanent residence from 1859 till his death.

In the fifties Grant's nearest neighbor was Capt. Elisha Stevens, for whom Stevens creek was named. When Grant first came to live on the ranch he often went to visit Capt. Stevens. On one of his visits in the sixties the captain was talking about selling his place.

"Why do you sell, captain?" said Grant. "Some time this land is going to be very valuable."

"I know," replied the captain, "but neighbors are too near. I can't breathe here any more. Settlers kill trapping."

The nearest neighbors were the Grants, who lived at a distance of a mile, as the birds flew, and around the road two

183. CAPTAIN ELISHA STEVENS' SNAKE DINNER (Continued)

miles.

"Wont you stay to supper?"

Grant was dubious of Capt. Stevens' supper. Before he accepted he said frankly: "What are you going to have to eat?"

"Don't worry, I've got it ready." The only thing in the way of food in sight was a rattlesnake hanging on the line. Grant suspected it was their dinner.

"Captain, I am not very particular what I eat, but I draw the line at snakes."

"You do", replied the astonished captain. "You don't know what is good. Ever eat frogs? Rattlesnakes beat frogs all to pieces." The captain explained his method of preparing a snake for a meal. "I hang a snake up and let all the oil drop out. I save the oil. I cut the snake into bits, roll the pieces in egg and bread crumbs and fry it."

Notwithstanding the blandishments of the epicure of reptile Grant went home and did not share the dinner. Grant said the captain had great skill in capturing snakes with a crotched stick. He cut off the head of the snake so he could not bite himself. Grant said that Capt. Stevens ate most of the rattlesnakes about Stevens creek.

Shortly afterward Capt. Stevens sold his place and went to trapping in the Rocky mountains. Later he settled in Kern county.

Grant said that Capt. Stevens was a thoroughly reliable man. He told many interesting stories of his early life which had

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183. CAPTAIN ELISHA STEVENS' SNAKE DINNER (Continued)

been passed in the Rocky mountains, where he was trapping. He had crossed the plains many times and he felt more at home in the Rocky mountains than elsewhere. He crossed the plains often before John C. Fremont came. To Grant Capt. Stevens gave the first wagon brought by him across the plains. Now the wheels have rotted and nothing of it is left but a few pieces of the iron.

Capt. Stevens had a feeling of great bitterness against Fremont when he came. When people used to speak of Fremont as "The Pathfinder" the captain used to say, "Yes, he found the path that I made."

Capt. Stevens also claimed that John C. Fremont was a coward. He said that once when they were crossing the plains they were attacked by Indians in ambush and they had a very sharp fight. Several Indians were killed and when the fight was over they looked about to find where was the "Pathfinder". Fremont was hiding under the wagon. Grant said that two other young man named Stone, who were in the Fremont expedition and who used to be blacksmiths in Santa Clara, bore witness to this cowardice on Fremont's part.

The late William Dale of Mountain View also knew Capt. Stevens well. He said that the captain made his living killing rabbits, quail and deer. He sent them into San Francisco on the stage. Sometimes young hunters used to come from the city and hunt at the captain's. When they departed they always left him a

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184. LICK, SAN JOSE'S STRANGEST FINANCIER (Continued)

his friend. When I spoke of the matter to Mr. Montague he shook his head no.

"No, I knew him, but I never got inside him. I guess no one ever did."

Never was Lick known to speak tenderly to a woman in all the time he was in San Jose. Love seemed as far from him as friendship. And yet, an illegitimate son claimed a share of his father's fortune. Somewhere, in his barren youth, there blazed a passion that changed his whole life, made him an exile from his home town and sent him to South America. Had that lawlessness never been, he might have lived and died a humble miller like the father of the girl he vainly loved.

He wished to marry this girl of his village, but he was only a workman. Her father would not hear of such a union. Imagine a beggar boy like Jimmy Lick daring to ask for his daughter. The boy said that he would have as fine a mill as that owned by the arrogant village magnate. Lick went away to South America and California. His son was born. For long the father did not know, and when he did know he did not care. He had ceased thinking about people, except as to whether they served his will. Never was he again deeply to care for any human being. Success, fortune, fame: these were his life lure. He did not believe in immortality, but he used his great fortune to build monuments to himself. He would have manufactured immortality as he manufactured pianos and flour. Lick observatory on Mt. Hamilton is one of the fruits of that desire.

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184. LICK, SAN JOSE'S STRANGEST FINANCIER (Continued)

James Lick was born in Fredericksburg, Pennsylvania, Aug. 25, 1796. His German ancestors wrote their name Luk. He was an apprentice to an organ maker in Hanover, Pennsylvania. In 1819 he worked for Joseph Hiskey, a piano manufacturer in Baltimore. Conrad Meyer, the great piano manufacturer, worked with him. In 1820 Lick left Hiskey and went to Buenos Aires. Young as he was, always he had a keen eye for money making. From Buenos Aires he sent 40,000 hides to Conrad Meyer for pianos. He returned to Philadelphia on a business trip and bought pianos of Meyer.

He went back to Buenos Aires and from there moved to Chili and Peru, where for 11 years he manufactured pianos. In 1845 he had a big order of pianos, but his workmen left him to go to Mexico. Lick himself labored two years to finish the order. In 1848 he decided to go to California. With \$30,000 in Spanish doubloons he set out for California. He also had his workmen's bench. He never repudiated that workmen's bench. Like a symbol he placed it on a high mountain. Today it is in the hall at Lick observatory, where lie Lick's remains.

When James Lick arrived in Yerba Buena, the pueblo of San Jose was far more important than Yerba Buena, the baby San Francisco. Lick invested largely in and near both places, as well as in Los Angeles. It is said that he paid \$16 each for 16 vara lots in San Francisco. At that time hilly sand hills even near a beautiful harbor did not seem a very attractive investment. As

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soon as San Jose was chosen as the state capital Lick came here and bought property. About 1849 Alviso seemed a possible great city, and so, he purchased several hundred acres near there. Alviso had possibilities as a harbor, and in the event of either San Jose or Alviso becoming a metropolis his purchase would have made a good investment.

Lick bought in 1852 the Oliver Magnant grist mill near Alviso and started to fulfill one of his boyish dreams: to have a flour mill finer than that owned by the miller who would not allow him to marry his daughter. Lick made the flour mill the heart of the only romance of his life. He expressed it in the finest mahogany from South America and in immaculate order. Sometimes a careless workman forgot that he was walking in a queer old man's shrine, in a vision of love and beauty. He stained or scarred the mill. The reticent, silent mill owner flew into a rage.

"Clean it! Never do that again."

James Lick bought only the best wheat, and his flour brought 20 per cent more a barrel than did any other flour in California. It is said that he had a photograph of his mill made. This he sent to his sweetheart's father. This is an advertisement which appeared in the San Jose Telegraph in 1856:

"The undersigned informs the public that the large and very superior brick mill, which he has been so long constructing, and at a great cost, is now fully completed, and in a most excellent running condition, and that he is prepared to grind flour of

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quality quite equal, and he thinks superior to the best ever manufactured in Santa Clara county, upon the most reasonable terms. His smut machine is perhaps as perfect as any ever in use; and he feels assured that the flour turned out from his mill cannot fail to give entire satisfaction.

"A large rat proof, brick building, for the storage of wheat, is now being completed, for the accommodation of those who may favor him with their custom.

"The highest price is paid for wheat delivered at the mill, which is situated at the Guadalupe river about six miles north of San Jose.

"San Jose, Jan. 1st 1856.

"JAMES LICK".

When Lick first came to San Jose he started to build a house in North First st. on 11 acres of land called the Lick Suerte, afterwards bought by James A. Clayton. The house long stood on the Clayton lot, but was later taken away. In the very early fifties Lick built his handsome home now standing at Lick mills. His ambition was to have an earthquake-proof residence, and he succeeded. After the great earthquake of 1906 the old Lick residence at Lick mills showed very few cracks. Recently when I visited Lick's dwelling I observed in what excellent condition it was. For a few years it was occupied by Senator and Mrs. P. A. Brangler. Senator Brangler was the representative of the Western Industries and

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managed their properties. One of the recreations and deep interests of Lick was tree planting. Much of Lick's tree planting has been destroyed by the exigencies of commerce, but the old dwelling is still surrounded by the fine trees, many of which were set out as early as 1856. Last summer I ate cherries from huge trees as large as oaks, probably the largest and oldest cherry trees in the county.

When James Lick arrived in Yerba Buena the pueblo of San Jose was far more important than Yerba Buena, the baby San Francisco.

185-86. PECULIARITIES OF LICK

The big flood of 1863 did a great deal of damage to the mill property and orchards of James Lick. The Guadalupe rose so that he had no outlet for his mill pond, and Lick had dug for it a new channel. Then he built a dam to keep the water from flooding his mill. Two or three years later the dam broke a second time. He said he couldn't fight water. He conceived the idea of laying out a park of 103 acres in what was afterwards subdivided by the James A. Clayton Co. as the Homestead tract, east of San Jose. Lick rented his mill to Pfister and Waterman and gradually transferred his trees to East San Jose.

The sight of James Lick and 15 or 20 workmen daily transporting through San Jose in June with one-horse carts of large

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size trees, some of them in bloom, greatly diverted the town. However, Lick was a very successful amateur gardener. These transplanted, blossoming trees not only lived, they thrived exceedingly well. Among the ways by which Lick protected his trees in the new place from the winds which were very strong, owing to the presence of few houses to act as windbreaks in San Jose, was by erecting a high board fence.

This fence caused much criticism among the townspeople. They saw therein a desire on the part of the millionaire to exclude from the projected park the inhabitants of San Jose. Local criticism was expressed by J. J. Owen in the Mercury in the personal manner so common among newspapers at that time. This article gave deep offense to Lick. In 1870 he engaged D. M. Delmas as an attorney and sued for libel. However, Lick won his case on appeal. It is said that the critical spirit of San Joseans of Lick's planting activities as well as the libel suit caused him to abandon the idea of giving San Jose a park. In fact, after this event he virtually left San Jose after having spent hundreds of thousands here and went to live in San Francisco.

Lick had also planned to build the most beautiful hotel in San Jose, where the Knox block now stands. Levi Goodrich was commissioned to draw the plans. But when Lick felt that he had been unjustly attacked, he ordered the plans torn up.

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Contemporaries of James Lick knew much of his peculiarities, but they knew very little of the man. Mr. Delmas, who was his attorney for years, thought him very able, a man of dignity, unusual native ability and character. Other keen minds estimated him as being a common-place, eccentric man, who made a fortune through accidental rise in land values. Certainly he had some qualities of the unusual man, decision of character and courage. He was never afraid to act, he was never afraid of himself. He dared to be inconsistent.

One of the stories oftenest heard of Lick was his extreme way of testing workmen. Work was for anyone who asked, only he had to be Lick's kind of a man. It is said that Lick insisted on implicit obedience from employees. Cabbages were sometimes set out under order in Lick's testing ground for working men, standing on their heads. Men seeking employment were occasionally requested to carry goods all day from one part of the garden to another, and then, return them to the starting point. One man was asked to set and reset a hitching post all day. It is said that this discipline was given Thomas Fraser, a rosy-cheeked Scotch lad, who on the strength of it obtained a permanent position. He remained always with Lick and finally became his manager. Lick left Fraser \$2000 in his final division of his property before death. He was the only individual not a relative who received a bequest.

Lick was very thrifty, and in many ways parsimonious. He was afraid of horses, not only for himself, but for men working

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for him. One horse he said was enough for any man to handle. That was why he used many one-horse, two-wheeled carts in transporting even the largest trees to the projected park tract east of San Jose. A capitalist of today would have employed half the men and more horses. Sometimes in coming from Alviso Lick got out of his wagon and led his horse into town for exercise. Lick, the man who brought eucalyptus trees from Australia, with tons of dirt for insuring their growth, was the same man who used to pick up branches of trees by the road for firewood. He also used to gather pieces of bones for fertilizing trees. He was the same man who would not allow his nephew, because of the expense, to drive a top buggy that he bought. After storing it for a year or more with Hugh Young, the nephew was obliged to sell it. Nor would James Lick allow his nephew to know women even when he had reached the age of 35.

The same James Lick who built a handsome residence costing a large sum, would not live in his house, yet he allowed his workmen to do so. He himself lived in a shack on the place, sleeping on rags and boards in a corner. His workmen had the best food. The late Otto Kamp of the county hospital, who worked for him in 1856, said that they had chicken and turkey two and three times a week. Nothing was too good for them. Lick left his shack to dwell in the big house only when he went to take his meals at the same table with the workmen. The man who did not believe in

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immortality erected for himself a high monument on a high mountain in Santa Clara county in order to obtain brief fame, and who seemed to delight in excluding his fellowmen from his life, was among his workmen a democrat.

187. LASHING FOR THEFT

In the files of the San Jose Weekly Visitor published in 1851, I found in the August and September numbers several records of where men were given the lash in punishment for mutilating and stealing cattle. To the newspaper of that time it was almost a diverting incident. In this way it was described:

"A Mexican received 16 very cordial embraces from a lash of a coach whip."

This was in punishment for having been accused of mutilating a cow belonging to Judge C. P. Hester. One evening the judge was walking with a Mexican when he saw one of his cows shot, but he could not tell who the malefactor was. The Mexican thought that he knew. He told the judge he would take him to the man. With an officer they went to see a certain Mexican and brought him into San Jose. On the way the accuser declared that he did not believe that the judge had the right man, but in those days there was not too great nicety about fixing guilt and the accused man was given 16 lashes anyway.

In the August issue of the same paper I found this account headed "Judge Lynch:" "On Sunday last the veritable old judge ap-

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peared among the citizens of the usually quiet town of Santa Clara and performed a little job of his peculiar kind much to the discomfiture of the recipient of his favor.

"For some time past some persons have made it a business to shoot other people's cattle and appropriate the beef to satisfy the craving of their own carnal appetites. Four persons were arrested by the people, and after having been tried, were sentenced to receive 25 lashes apiece. Two of them, we are told, were allowed to pay a fine of \$25 apiece which was to go toward remunerating the loser of the cattle. The other two, father and son, were sentenced to receive 21 lashes. The old man acknowledged that it was a just sentence, but prayed that he might be allowed to go without the lashes, as he was now on the verge of the grave and had never yet been whipped. His hoary head and tottering steps called forth an emotion of pity which the most heartbreaking shrieks of mercy could not have done. The son offered to take the father's share with his own. But the committee acted but as human souls should act and turned him over to the authorities with the rest. The son received his complement and the committee adjourned to meet again when their presence is required."

188. SANTA CLARA RECOLLECTIONS

Among the persons with vivid recollections of Santa Clara in the 50s and 60s is John A. Day, formerly the Santa Clara

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blacksmith. Mr. Day is the son of Samuel Day, who was superintendent of the mission orchards during the few years that they were in the possession of Judge Redman of San Jose.

At that time the Santa Clara mission and its orchards were the playground of the superintendent's son. Now he lives to talk of the days of his boyhood.

In the early 50s, under the management of Samuel Day, the mission orchard produced famous apples, peaches, figs and pears. The peaches and pears were very profitable, and were sold in San Francisco sometimes as high as 50 cents a pound. Peaches were shipped in baskets. Mr. Day has one of those old baskets. The fruit trees have been all cut down.

During the 50s the mission land was in litigation, and so, Judge Redman lived in San Jose, but he called his place in Santa Clara Redman park. In Redman park he erected a great building, 150 feet high, Redman castle. Mr. Day remembers playing in the castle and climbing the great flights of winding stairs which led to the roof. The castle was never finished and its only occupants hundreds of pigeons. During Mr. Day's boyhood Redmond castle burned to the ground, and he still sees pictured vividly the panic among the poor little pigeons who were losing their home.

Mr. Day has many momentos of the old days. Among them is a millstone that came from the Redman place, which undoubtedly was used by the mission in grinding corn. Judge Redman adorned one of

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the millstones with a perforated bronze lion's head. He enlarged the millstone with concrete, making it the base of a fountain. The water spurted from the lion's head. A few years ago when a cellar was being filled with debris or laying the foundation of a house, Mr. Day rescued a millstone and had it brought to his blacksmith shop. He also has some beads and an old Indian soapstone pipe that he dug up from a sewer. He has given away many of the things found by him.

Mr. Day recalls when Indians lived in the charming adobe house now occupied by the Santa Clara woman's club. That entire block was filled with Indian adobes. In fact, that block and the one adjacent were occupied by a rancheria.

It was at the Indians' most unhappy time. They had been brought from their freedom of the forests, plains and mountains. Many of the younger people were born near the mission, and they no longer had the customs of red men. Many were of mixed Spanish blood. They had not the freedom of the wickiup, and in the 50s they had now lost their protectors, the missionary fathers. The white men who came to Santa Clara did not speak their language, nor did they understand their ways, and so the Indians lived in the old adobes with dogs, their only friends.

White people who did not love dogs spoke contemptuously of the Indians having so many. White men disapproved also of the Indians' love of play, and their disinclination to work for them.

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White men saw no beauty in the Indians' occupations. The red men wove blankets, made riatas and beautiful bridles. They sang songs, a mixture of Spanish and Indian. They danced dances, also a blending of the two races.

Those Indian dogs increased with ~~tr~~oublesome rapidity. The entire block seemed filled with dogs and Indians. Dogs lay on the sidewalks and sometimes when the white men passed their feet were snapped at by dogs. This aroused the indignation of the community.

Finally the white man shot and poisoned all the Indian dogs. The Indians made no protest. They were no longer free wild Indians. The white man never knew that to Indians all dogs are beautiful and sacred. The white man never knew that for an Indian to kill a dog would be to kill God.

189. BRODERICK IN SAN JOSE

Senator David C. Broderick, an Irish-American of humble origin, began his political career in San Jose. He was one of those who voted to move the capital from San Jose to Vallejo. In fact, his act of supporting Vallejo in the great struggle caused Broderick's defeat the first time he made an effort in 1854 to elect himself to the United States senate. In that senatorial campaign a fierce fight raged around the deciding vote of State Senator Grewell of Santa Clara.

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Senator Broderick was a New York fireman and prominent member of Tammany Hall, when it was a respectable political organization. Stung by his defeat for congress in New York he came to California in 1849, announcing that he would be United States senator from California. He said that he would go to the senate if he had to walk over 100 corpses and every corpse a friend, and that for the honor of being **United** States senator he would, if necessary, slowly roast before a fire in the plaza of San Francisco.

Soon after his arrival this determined New Yorker was elected to fill a vacancy in the first legislature then in session in San Jose. More than a month previous to Senator Broderick's first appearance in San Jose the legislature had elected Senators Gwin and Fremont. Broderick took his seat in the state senate Jan. 24, 1850. That was the beginning of his political career in California.

Broderick served in the senate in San Jose from Jan. 6, 1851, till May 1 of the same year. During that time an effort was made to elect an United States senator to succeed Fremont, who had drawn the short term. Fremont opened in San Jose what was called a "free ranch." It was probably the wettest political campaign ever known in San Jose. When the legislature adjourned Senator Thomas H. Green had a demijohn of good whisky. He moved that they adjourn and take a thousand drinks. Because this was done it was known as the "Legislature of a Thousand Drinks." The demijohn was hoisted on the flagstaff in front of the capitol, where it

189. BRODERICK IN SAN JOSE (Continued)

remained for a month, with the flag at half mast.

This last legislature that met in San Jose failed to elect an United States senator, though 142 ballots were cast. Fremont withdrew before the last ballot because he realized that there was no hope of his election.

This session of the legislature passed a bill to remove the seat of government from San Jose to Vallejo. Broderick worked for Vallejo. San Jose lost the legislature through the bribery of Cook of Santa Clara, but San Joseans for years remembered the men who worked for Vallejo.

Broderick in San Jose lived at the Mansion house. During his residence there he had an altercation that nearly ended in a duel. An Alabamian, Benjamin F. Moore of Tuolumne was a fire-eater, who had distinguished himself in the Mexican war. Between Broderick and the southerner there was bad blood. Once they met in the narrow path that led from the Mansion house to the legislature. Moore drew a pistol.

"Shoot! You _____ assassin. Shoot! I am unarmed!" cried Broderick. Moore did not shoot.

This coolness and courage on Broderick's part added to his prestige among the New Yorkers, who did not believe in using guns, but who believed their leader would back down from no fight.

Like a tiger Broderick fought for his position in the United States senate in 1854 after the legislature had moved to

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Sacramento. Cynically he afterwards said that he knew how much his friends were worth because he knew what he had paid them. He must have thought that friends were expensive because he said the campaign cost \$170,000.

Broderick seemed to have everything now, when Senator Grewell of Santa Clara became a snag. There was a fight for the wavering Santa Clara senator. Joe Palmer of Palmer, Cook & Co., San Francisco, declared that as soon as he persuaded Grewell to vote for Broderick the Santa Clara senator would take off his wig and let ooze out all the electricity he had worked into him. Suddenly Grewell departed for his Santa Clara home. Then two rival politicians raced all the way on horses from Sacramento to persuade Grewell. One was Broderick and one was Gwin. The Broderick forces seemed to have won Grewell, and he was placed in charge of Assemblyman Rowan. Rowan was ordered to sleep with Grewell till the election was over. No Gwin man was allowed to speak to Grewell.

The anti-Broderick men were resourceful and bold. Just as the Broderick forces were chortling over his certain election one night Assemblyman Rowan, Grewell's guardian, was given too much to drink and Rube Meloney, a politician from San Francisco, pistol in hand, broke into the room where were sleeping Senator Grewell and his guardian and kidnapped the senator. The next morning Grewell voted for Gwin, and Broderick met a temporary Waterloo.

Only Broderick would not long be Waterloosed. Three years later he elected himself United States senator, in which

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office he continued through a very stormy two years, till at the age of 40, he met his death in a duel with Judge Terry in the year 1859.

190. FIRST LANDSCAPE GARDENER

John R. Lowe brought to San Jose the art of landscape gardening. He came at the suggestion of Maj. Hensley. Mr. Lowe was a sunny, ruddy, jolly, thick-set man always radiating his own warmth and good humor, but capable of an immense ^{amount} of hard work.

Mr. Lowe was born in England in 1808. In 1828 Mr. Lowe came to Newburyport, Mass. He learned to be a landscape artist in the garden of the Duke of Devonshire in Derbyshire. The duke's place was called Chatsworth's Hall. In Massachusetts Mr. Lowe laid out several gardens. Among them was Indian Hill farm, the place of Mr. Poore, father of Ben Perley Poore, who wrote so entertainingly of life in Washington. Another famous garden of Mr. Lowe's was the James Arnold place in New Bedford. In 1852 Mr. Lowe came with his family to California and he settled in the Santa Clara valley. With him he brought mustard seed which was one of the jokes of early days when the valley was a forest of mustard. Squash, onions and melons were also imported by him. Watercress was by him sown in the Guadalupe, but it was a native of the California rivers. Mr. Lowe introduced in San Jose the ivy growing on Trinity church. He brought it to this country from Chatsworth

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Hall, Eng. Mr. Lowe was a good church man and worshiped at Trinity.

When the Lowes came to San Jose they for a time lived on the famous Laurel Wood farm, which was the site of the first mission. Later they moved to town. Mr. Lowe laid out a very pretty garden for himself on the site of the residence of the late Mrs. Knox-Goodrich.

Mr. Lowe was one of the pioneer Horticultural society, which was formed in the old city hall where the fire house is now. It was made up of men who were interested in growing things. Many of them were foreigners. Among them were A. Delmas and Louis Prevost, Frenchmen; B. F. Fox, Irishman; F. G. Appleton, an Englishman; Judge Daniels, an Englishman; John Lewelling, R. B. Moody and J. Q. A. Ballou. Mr. Ballou still lives.

In 1853 Mr. Lowe laid out the Maj. Hensley place near the Southern Pacific station. For years it was the show place of the town and was considered the most beautiful garden in San Jose. The house was made in the east and was brought here about the same time that the garden was laid out. The building was burned in the early 70s at a loss of nearly \$70,000. Mr. Lowe always had care of the Hensley gardens which occupied 25 acres. Several men worked under him.

Mr. Lowe planned the Stockton cemetery. He was one of the first landscape gardeners employed at Menlo Park. He had a large share in laying out the beautiful gardens of that suburb.

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which at that time was just being created. For Mr. Flood he transported to Menlo some of the first palms grown in San Jose. He started the grounds at the state university and when he died he was consulting landscape gardener at Golden Gate park. Mr. Lowe died in 1874 before he ever saw much of his work mature in beauty.

Mr. Lowe left three children, the late James R. Lowe, who was in the state senate and in the consular service; the late Waldo Lowe and Ralph Lowe, who for many years had a merchandise store at the New Almaden mine and who was always an important figure in the community. Ralph Lowe passed his summers at Tahoe whither he went to fish. At 80 years of age he fished, played and lived with the enthusiasm of a boy.

192. FIRST MOUNTAIN ROADS

Indians made the first trail across the mountains to Santa Cruz, and a very steep trail it was. They went on clamming and fishing expeditions to the coast. They went straight up the face of mountains and down again at great speed. Almost as fast as a horse they traveled and with no more difficulty. These Indian trails to Santa Cruz and across to the San Joaquin country were difficult for a white man to follow.

The first person to cross the Santa Cruz mountains in a vehicle in the early 50's was a Mrs. Farnham, who bravely made the journey in a sulky.

One of the first road builders in the county was a man named Jones, who built a saw mill at the head waters of the Los

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Gatos, squatted on all the land that he could, covered the surrounding country with school warrants and claimed all the redwoods in that vicinity. Here Jones had built a turn-pike so steep that over it one could carry only half a load. He charged such extortionate rates for the use of the road that citizens petitioned the San Jose supervisors to build a road. This was in 1853.

In 1854 at the request of the board of supervisors two exploring expeditions started. One was to cross the Santa Cruz mountains and the other was to go east across into the San Joaquin country by way of the coast range. Uncle Ike Branham, a famous hunter and one of the most popular pioneers, was selected for the San Joaquin trip. With two dogs he set out. He was gone several days and when he returned he reported that it would cost too much money to build the road. It was impracticable. This judgment of Uncle Ike's was often repeated to him by badgering friends.

Sheriff John Murphy, a great horseman and a very daring man, was sent over the Santa Cruz range. Murphy followed the Jones turnpike and went up past Mountain Charley's place. Murphy heard from Mountain Charley of Mrs. Farnham who had gone over the mountain in a sulky, and for that dauntless lady Murphy named Santa Cruz Gap Farnham's Pass.

John Murphy and his party returned to San Jose and reported that it would cost \$10,000 to build a road from Jones' road to the county line. The board was advised to buy the Jones

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Road. This suggestion fell on deaf ears. The turnpike act of the legislature was passed enabling the turnpike road to be built by private enterprise. The plan was to commence at Forbes' mill and to run the nearest practicable way to the summit.

The incorporators of the new road were: J. A. Quinby, V. D. Moody, H. M. Hervey, R. F. Herrick, S. J. Easley, H. M. Howe, Eli Evans and J. S. Faber.

Jones of Los Gatos and his privately owned road were almost as much trouble as the mountains themselves. By suits Jones tried to impede the progress of the new road. There was much litigation. Mr. Ryland gave his legal services^{for}/nothing and was of great assistance to the road builders.

On May 5, 1858, the new road took first toll. Joseph Johnson and Peter Davidson were in the first vehicle that passed over the road. The first winter came floods and the damage resulting was so great that it cost as much to repair as it had to build the road.

Jones became tired of litigations and sold out to S. Thomas and J. P. Henning, the founder of Lexington. W. H. Hall, the stage owner, put on a line of stages. Lexington and Los Gatos soon afterward sprang up.

193. SAN JOSE'S GREAT HUNTER

"Uncle Isaac" Branham was the great hunter during pioneer times in San Jose. When he came across the plains from Missouri

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From a series by Mrs. Fremont Older (Published Evening News 1925)

193. SAN JOSE'S GREAT HUNTER (Continued)

in the year 1846 he brought with him two fox hounds. Isaac Branham was the son of James Branham, who was born in Virginia, and so, it was a family tradition to have fox hounds. It is said that after he arrived here he gave a house and lot for a finely bred hound. His hounds multiplied till he had 25. They had the freedom of the great ranch bought by their master of the Narvaez family who owned the San Juan Bautista grant.

Miss Mary Branham told me that when the family went to live half way to the new Almaden mine the place was very thickly wooded, and so, during the day the dogs had plenty of game to hunt. They were locked up at night. Each day for them was cooked a huge cauldron of food. The dogs were very amenable, and although they used to bark a great deal on the arrival of visitors, friends of the family grew to accept the barking as a friendly greeting.

The late F. M. Quivey, a son of Peter Quivey, was brought as a baby across the plains in 1846. He told of hunting with "Uncle" Ike Branham. He recalled that the Branham hounds were named for the hunting friends of "Uncle" Ike. One was called "Cap", for F. M. Quivey. Another was named "Jim" for James Quivey. Another was named "Bill" for Billy Henderson. "Dan" was so christened for Dan Leddy. Ned Galbraith was responsible for the name of the hound "Ned". Nelson Mowry was another of the Branham group of hunters, and in his honor "Ned" was so called.

CLASS II - HISTORICAL
WHEN SANTA CLARA COUNTY WAS YOUNG

From a series by Mrs. Fremont Older (Published Evening News 1925)

193. SAN JOSE'S GREAT HUNTER (Continued)

Others who often hunted with Branham and his friends were Givens George and James Ogier. Their field of sport and pleasure stretched all the way from Mountain View to Gilroy. On the Llagas they found excellent hunting. There they were sometimes joined by Dan Murphy.

Mr. Quivey said that he used to go out with the Branham party every fortnight. Branham himself went every week. He never hunted on Sundays. In those days there were lax game laws, and all deer that came, male, female, the young were shot. On one occasion Mr. Quivey recalls that they had 14 deer in camp before breakfast. Seldom were they without deer meat, and once they shipped two deer to the convent. In the winter they hunted coyotes, wild cats and foxes. As a rule they took only five or six hounds with them, although while young hounds were being trained, eight or ten were taken into the hunting field. Unless the distance was too great the hounds followed behind their master. He summoned them with a horn. When they had two many miles to go they were carried to the field in a cart with high boards on the sides.

Mr. Branham lived till he was 84. Never did he give up hunting. Just as he had arranged for his last hunt in 1887, while driving home to his ranch, he was thrown from his wagon. He died as a result of injuries received. According to his wishes his body was drawn to the cemetery in the cart which for so many years had carried his beloved hounds on the hunting trips.

Some of the hounds were also taken to his grave. The faithful animals were divided among the friends of the master.

191. HOW SAN JOSE LOST THE STATE UNIVERSITY

Tragically, San Jose lost two great opportunities, the state capital and the state university. In 1849 it was intended that the state university should be located here, but the town missed it.

United States Consul Thomas O. Larkin and the Rev. Samuel H. Willey, a Presbyterian clergyman, at Monterey first discussed the state university. In their enthusiasm they corresponded with the Dr. William M. Rogers of Harvard, concerning it. Another Presbyterian clergyman, the Rev. S. V. Blakeslee, who for a time was stationed at San Jose became greatly interested in the project. Mr. Blakeslee first administered the sacrament in a blue tent where for a period he had a school. Mr. Blakeslee obtained from the Dr. James Stokes and from Kimball H. Dimmick, one of the early alcaldes, land on the Guadalupe river for a college site. For the board of trustees Mr. Blakeslee suggested Forest Shepherd, Chester S. Lyman, John W. Douglas, Benjamin F. Cory, Samuel H. Willey, T. Dwight Hunt, Thomas Douglass and S. W. Blakeslee.

The legislature convened at San Jose and a few friends of the college project came together to discuss it. In order to attend that meeting S. H. Hilley rode all the way from Monterey on horseback with the officers who accompanied General Riley when he came here to turn over the civil government to the new officials. Mr. Willey found that some of the board of trustees

had departed, and others would not act, so that when the legislature met December 18, 1849, Chester Lyman, Sherman Day, Forest Shepherd and Frederick and S. H. Willey were named. That winter a bill was passed in the legislature granting college charters. This law declared that colleges should have \$20,000 worth of property and that the situation should be suitable.

Because of the fact that the University of Santa Clara was at Santa Clara it was thought that two universities in the same community would be too many, and so, San Jose was abandoned as a possible site. However, the matter was brought to the attention of the Presbytery in San Francisco and immediately the choice of a site for the state university became a matter of much concern to those interested in higher education. Dr. Horace Bushnell wrote in 1856 that he was considering Martinez, Petaluma, Sonoma the Sunol ranch in Contra Costa county and the Mission San Jose. After much discussion, Berkeley was chosen.

194. TRACES OF LICK'S WORK IN SAN JOSE

Almost all traces of James Lick have been erased from San Jose and its vicinity in spite of the fact that for more than 20 years he was active here in construction work. During that time he is said to have seldom passed an idle day. At Lick's beloved paper mill Senator Brangier, before he went to France, told me that all had been changed, though the dwelling remains the same. Mr. Brangier pointed out to me the lady's face in the marble mantel upstairs. She is supposed to have been the lady love of Lick's youth, but this is probably a romantic fancy of the people who have lived in the house.

The mill is still a very lovely spot, though one finds

few traces of Lick. It took him four years to arrange the mill to suit him. He bought brick machines and made his own brick on the banks of the Guadalupe. The mill has had many adventures. Adolph Pfister converted it into a paper mill and eventually sold it to the Remington Paper Co. It is now used as a distillery. None of the fine woods imported by Lick for his mill are still in evidence, but in the office of the Western Industries is Lick's old safe.

As one drives down the Montaguero, toward Alviso one sees where Lick diverted the Guadalupe. Where George Gallagher's house stands now was once the middle of the river. Lick owned the land, and he wanted it to put on some bad soil where the asylum is now. For years he had men digging out and changing the course of the river and hauling dirt over to the barren land. He wanted to use the river for a mill pond to run his mill with. Precisely where Lick changed the course of the Guadalupe is one of the prettiest spots on the river. Just below the bridge, near the George Gallagher bungalow is a capped artesian well that was bored by Mr. Lick.

In the Homestead tract, south of San Jose. Lick found that the Canoas creek was likely to cause trouble when it was flooded. Lick placed heavy timbers at the sides of the creek in order to restrain it. The creek itself as it flows through the Herold place has been covered with earth and timbers. One sees it come into the open at River and Balbach sts., near the Scheller subdivision. If San Joseans desire to see the great work of Mr. Lick he must go to Mount Hamilton, which belongs not only to San Jose, but to the world.

197. LICK AS A TREE PLANTER

James Lick had two hobbies. One was the mahogany mill near Alviso on which he spent a fortune. The other hobby was planting trees. He bought by the thousand of Boots, John Rock and Fox and Farney. R. D. Fox tells me that Lick purchased anything that pleased his fancy. Sometimes he left trees at the nursery for an entire year and even pruned them the second season. Sometimes he never took them at all. He found something that he liked better. He had many whims. He spared no expense in taking trees from Fox. He hired men to dig up the trees and under his own supervision and carried them away in the dirt, although in the dormant season the trees would have been just as well off if planted with the roots bare.

Lick was one of the early pioneers who was responsible for importation of eucalyptus trees from Australia. When he had them imported at great expense he brought with them tons of earth. It was wholly unnecessary, as has been demonstrated of late years because a eucalyptus tree will live in the most barren soil.

Lick also imported the sassafras tree and the cork oak. A fine specimen of the cork oak is on the old Cram place, now occupied by the clarke nursery.

From England Lick brought materials for reproducing the hot houses of the Kew gardens. He intended to set them up in the park he planned to lay out for San Jose. He never used them. After his death they were turned over to Golden Gate park, San Francisco.

J. Q. A. Ballou was a neighbor of Lick. As a nurseryman and horticulturist he had with him much in common. He tells me that he had very high respect for Lick's knowledge of tree culture. Lick had three men to plant a tree. One held it. One shoveled the dirt. One smoothed it. Ballou says that Lick often made mistakes in planting. He always had dug a hole for each tree, sometimes as large as six by six feet. At first Lick did not realize the kind of soil he was working with at Alviso. His tree holes were like huge wells in putty. He filled the holes with fertilizer and although he did not realize it they were impervious to water. When floods came the holes served as traps for trees.

In order to sweeten the soil Lick gathered and ground bones and put them into the ground. Sometimes he bought fertilizer from the Bernals. When the floods of '61 and '67 came he decided to transplant his trees to a 103-acre tract east of San Jose. San Joseans were astonished and delighted to see the Lick horses and carts all that summer every morning streaming for a block or two through the town. Sometimes they were transporting trees blooming and sometimes those bearing fruit, even trees a foot in diameter. The trees survived the upheaval in their lives and did extremely well in their new homes. At that time Lick moved eucalyptus, sycamores, pines, silver leaf maples and magnolias. Several men worked at the same cart.

Of all the trees planted in the projected park few remain because the tract was subdivided after Lick's death. Many small landowners were purchasers and most of them cut out the trees. Only a few are in existence. Some of the finest sycamores in town are those set out by Lick, now standing on the Herold place

at South First st. and the Almaden rd. On the same lot are some wonderful silver leaf maples.

On the Montague rd. are fine old poplar trees planted 60 years ago by Lick, Montague and Charles Wade. At that time the county was making an especial effort to get trees set out for shade, and a premium was offered to any one doing his share of planting. Lick was always ready to do more than his part in any similar work.

Of all the fruit trees set out by Lick those still bearing large crops are the apple and the fine old cherry trees near the Lick residence not far from Alviso. The immediate garden was planted almost entirely by Lick, as were the weeping willows on the bank of the Guadalupe.

195. JAMES LICK AS A PHILANTHROPIST

While James Lick lived in San Jose he conceived the idea of giving away his fortune. As yet filled with the vigor of life he prepared to die. Although will contests had not the vogue that they have since obtained, Lick knew that his illegitimate son, John H. Lick, would be likely to upset his intention to disinherit him. He decided to give away his millions during his life time, to defeat possible will contests and also to share the incense following benevolence. He began by giving the mill property to the Thomas Paine Memorial society. It had not a very happy result.

That same year, 1873, he gave a 40-foot lot on Market st., San Francisco, to the California Academy of Sciences. At the same time he made a gift of a Fourth st. lot in San Francisco to the California Pioneers. At first these two societies were

so burdened with conditions and restrictions that they would not have been able to profit by the gifts till after the death of Lick. However, he wisely removed the restrictions, and the societies received immediate benefit from his gifts.

Lick was in the late 70's, and so he decided not to delay longer in dividing his property. The trust deed disposing of all his fortune was executed June 2, 1874. For himself he reserved not more than \$25,000 a year. To San Jose he gave only \$25,000 for the orphans. To his son, John H. Lick, he left \$3000, but he did not acknowledge him in writing as his offspring, though John had worked with him for several years at Lick's mill.

Lick provided for a monument to his ancestors. At one time he planned setting up on the highest mountains on the Pacific coast huge figures of his relatives. Especially proud was he of his grandfather, William Lick, who fought at Valley Forge. He desired \$20,000 spent on monuments for his sister, father, mother and grandfather. But his family love was for the dead, and took the form of pride. To his brothers, Henry and Samuel Lick, he left \$5000 each. To his nephew, James Lick, who had lived with him for years at Lick's mills and put up with his exactions and tyrannies, he left even less, only \$2000. Other nephews and nieces received similar sums. His foreman, Captain Thomas E. Fraser, received \$2000.

Ten thousand dollars were given for prevention of cruelty to animals. To an old ladies' home, San Francisco, he offered \$1000,000. For free public baths in San Francisco he provided \$150,000. For endowing a school of the mechanical arts and practical arts of life he reserved \$3000,000. Though the

influence of Prof. George Davidson he decided that \$700,000 should be reserved to build the most powerful astronomical observatory in the world. In order that there should be no miscarriage in his plans he appointed as his board of trustees: Thomas H. Selby, D. O. Mills, H. M. Newhall, William Alvord, George H. Howard, James Otis and John O. Earl.

When Lick had placed his property in the hands of his trustees his troubles began. He quarreled with them and asked them to resign. They refused, because already they had converted more than a million dollars worth of real estate into money, and they did not desire to be impeded in their task of carrying out his previously expressed desires.

Then Lick engaged an attorney, the late John B. Felton, of San Francisco, and gave the trustees battle. Felton was promised \$100,000 for his work. Very subtly the lawyer influenced the newspapers in San Francisco to ridicule the trustees for holding to their positions after they had been requested to resign by the man who appointed them. Soon the trustees relinquished their offices. Lick hesitated about paying the attorney's fee because the battle had been so brief and the victory so easy. Felton told Lick a story oh how a farmer who went to a city dentist who extracted a tooth for him without pain and charged him \$5 for a moment's work. The farmer declined to pay because he said that once a dentist in his town had drawn a tooth for him, broken his chair as well as his jaw and charged him for his services only \$1. Lick saw the point and paid the fee.

Then he appointed a second board of trustees. This

consisted of Capt. Richard S. Floyd, Faxon D. Atherton, Bernard D. Murphy, John Nightingale and John H. Lick. By this new deed of trust John H. Lick was for the first time acknowledged in writing by Lick as his son. He was commissioned to build the family monument in Pennsylvania. The new trust deed was filed September 21, 1875, a little more than a year after the first.

It might have been thought that now peace would reign, but there was no peace for the poor, old rich man who had parted with his millions. His son would not build the monument to the Lick family. This angered James Lick. He suspected John of further designs upon his property. The son resigned from the board of trustees. Lick asked the resignation of the other trustees and immediately it was given. Before he died he had the pleasure of appointing another board of trustees. Capt. Lloyd was in Europe and so had not offended him, Lloyd was reappointed. Those on the new board were: Capt. Lloyd, E. B. Mastick. Charles M. Plum and George Schoenwald.

Lick died before he had time to quarrel with the third board. On October 1, 1876 a very unhappy old man, wearing a black wig, with a long dyed black beard, James Lick, came to his end at the Lick house in San Francisco. He was 80 years of age.

196. LICK WILL CONTEST

Although James Lick disliked clergymen the Rev. Horatio Stebbins pronounced the final words over the remains of the dead philanthropist, who revered Thomas Paine. The funeral services were held in Mechanics' pavillion, San Francisco and

were attended by many important persons, as well as the societies which had been legatees of the millionaire. Then he was given temporary burial on Lone Mountain till the observatory on Mount Hsmilton should be completed. On the mountain top he had told Mr. Bradford of the Pioneers that he desired to be buried. He chose this place because Sir Christopher Wren, architect of St. Paul's, had requested that he be buried in the work of his own creation.

Hardly was James Lick in his grave when a storm began to gather. His son, John H. Lick, took the first train for the west and began the conflict. He came to San Francisco and to San Jose. Many of the acquaintances of Lick met him. Among others were the Pfisters. They possess a photograph of him, showing an old man with a very long white beard, such as James Lick would have possessed, had he not dyed his own. John H. Lick was a discreet man, and no paper records an interview with him disclosing his intentions. In San Francisco he engaged Hall McAllister, one of the ablest lawyers and one of the most influential with judges.

Mr. McAllister and his client announced that they were going to bring suit to have the deed of trust set aside on the ground that when James Lick began giving away his fortune he was insane. Lick was an eccentric, and clearly there was enough at stake to make a very interesting time for the legatees. But the trustees and their attorneys announced that Lick for 30 years had planned this disposition of his wealth.

To complicate matters more relatives appeared and asked to be recognized as heirs. They denied that John H. Lick

was the son of James Lick. These new claimants were Samuel and Henry Lick, brothers of James Lick, and Sarah Helper, a sister. Other nieces and nephews were: Julia Ann Antrim, Sarah A. Graham Andrew J. Eby and James W. Lick of Napa county. Another group of contestants consisted of William H. Lick, a nephew, and Henry Lick, a half brother of nephew James H. Lick.

The estate increased in value with enormous rapidity, and the case threatened to tie up the Lick estate for years. The trustees refused to treat with any of the claimants, except John H. Lick, and for several weeks they held out. After a number of parleys it was decided that in justice to the son, John H. Lick, he should have his inheritance increased. He was given \$385,000 in addition to the original \$150,000, with the agreement that he should settle with all the heirs. In this way a clear title was given to the estate, which was worth nearly three and a half millions, and the trustees were enabled to continue with their work of building the great astronomical observatory.

198. BUILDING LICK OBSERVATORY

Before the Americans came Mt. Hamilton was spoken of by the Spanish-Californians as the "High Mountain." In later time it was called by them "Joaquin Murietta's Mountain." He had his lair there and Indians hid there after raiding the ranches in the vicinity of San Jose and carrying off the cattle.

The first name of the Americans for Mt. Hamilton was "Mount Isabel." It was called Mt. Isabel because of the Isabel valley nearby.

The name Mt. Isabel was changed to Mt. Hamilton when the Rev. L. Hamilton, Presbyterian clergyman in San Jose, in the early 60's, climbed to its summit. He was the first American to climb the mountain.

Up to this time the Indians and Spanish-Californians had made their way to the top over a narrow and difficult trail.

When James Lick first considered the location of his observatory for long he did not have in mind Mt. Hamilton. His thought was to place the observatory on some property owned by him near Lake Tahoe in Placer county. Soon he learned that the severe climatic conditions would make this site impossible. Then he thought of Mt. St. Helena.

By this time he had changed his mind so often in relation to bestowal of gifts that people did not seriously consider his projects. When he went to visit the St. Helena site the residents of that vicinity are said to have ignored him as an eccentric. This wounded Lick's vanity. When no attention was paid to him he was so piqued that he returned to San Francisco without ever seeing the projected site on St. Helena for his observatory.

At this time Bernard D. Murphy was mayor of San Jose. He was a man of great tact and very pleasing personality. He pointed out to Lick that most of his life in California had been spent in Santa Clara county. He had given very little to San Jose. Mt. Hamilton was the best choice for the observatory for which Mr. Lick had promised to give three quarters of a million dollars. Capt. Thomas Fraser worked with Murphy for Mt. Hamil-

ton . Lick considered the idea favorably, but he objected to the inaccessibility of the mountain. Murphy promised that he would see that the supervisors built a road to the summit.

Murphy took the first train to San Jose and convinced the supervisors that it would be of immense value to the county to have an observatory in Santa Clara county. The supervisors agreed with him, but they pointed out that the road would cost nearly one hundred thousand dollars. The law required all the money raised by taxation for roads to be spent in the same district where it was collected. Besides, argued the supervisors, even if they did build the expensive road what guarantee had they that Lick would not change his mind about erecting the observatory? This argument carried weight.

Lick met this objection very generously by promising to lend the county \$65,000 of the sum required to build the road. His security was county warrants. Then the late A. T. Hermann laid out the road to Mt. Hamilton, and the supervisors went ahead and built it. It was the first really good road in the county and the finest mountain road in the state. It cost \$85,000

The choice of Mt. Hamilton for the Lick observatory was not lightly made. In 1874 D. O. Mills, who was a member of the first Lick board of trustees, went east and to Europe in search of information concerning the great world observatories. Capt. R. S. Floyd of the second board of trustees was the one most interested in the observatory. With him Prof. Newcomb and his assistant, E. S. Holden, visited Mt. Hamilton in the year 1879

and remained two months making observations. On Capt. Floyd's return he reported to the trustees on the excellence of the site.

An interesting incident is related in connection with the choice of the Mt. Hamilton site. In 1875 Capt. Winchell, Capt. Fraser, Mayor Murphy and Surveyor Hermann drove to the top of the mountain. They promised the people of San Jose that on their arrival at night they would light a bon fire for San Joseans at half after seven. They did so, and a great crowd in the streets waited for and cheered the blaze which looked like a star of promise.

After visiting the best factories in Europe Capt. Floyd, Prof. Newcomb and E. S. Holden decided that the best artisans of telescope glass in the world were in the employ of Alvan Clark & Sons of Cambridgeport, Massachusetts. Clark & Sons were given the order to make a glass with an aperture of 36 inches.

The casting of the flawless piece of object glass, which in reality is two glasses, one to counteract the chromatic variations of the other, was one of the great difficulties in constructing the telescope. This huge piece of glass without flaws is one of the marvels of the 19th century. It was made by M. Fell & Sons of Paris. The work took four days. Eight tons of coal were required and 30 days elapsed before the glass was cool. Fell & Sons made 9 trials before they were successful in their work. The flint glass, which is the larger of the two glasses, measures 38.34 inches in diameter by 21.65 inches in thickness. Its weight was 37. 85 pounds.

The glass was shipped to the Clarks by whom it was ground.

It took the Clarks six years to grind the glass and make it ready for mounting. The moon appears through the telescope as it would if observed at a distance of 200 miles. The telescope magnifies stars 2000 times.. It brings to light stars that are 30,000 times fainter than the least stars visible to the naked eye.

The dome of the observatory was designed by Capt. Thomas E. Fraser and was put up by the Union Iron Works of San Francisco.

199. LICK'S FINAL RESTING PLACE

James Lick desired to be buried beneath or at the side of the great observatory reared by him. He was given temporary burial at the Lone Mountain cemetery till a tomb could be constructed for him directly under the great monument that his fortune had erected. He expressed a wish to be buried with his face downward.

Lick's final interment, June 9, 1887, was an event of importance in San Jose. Atkins Massey, a pioneer undertaker and friend of Lick, took his lead lined casket from the Masonic vault in the Masonic cemetery in San Francisco. On that occasion there gathered the last Lick trustees, E. B. Mastick, Charles M. Plum and George Schoenwald. California Pioneers were represented by Gustav Reis and Peter Dean, President George Davidson and George E. Gray represented the Academy of Sciences. President E. S. Holden of the University of California and also director

of the Lick Observatory was there, as was Governor Washington Martlett, Major C. W. Breyfogle went up from San Jose for the occassion.

The governor did not come to San Jose with the others, but he sent a representative. At the station the party was met by Capt. Thomas E. Fraser, Mayor Breyfogle and ex-Mayor and ex-Trustee Murphy. In response to the request of the mayor people assembled at the station, fire and church bells tolled, flags were at half mast. A long procession followed the flag-draped coffin to the summit.

On Mt. Hamilton they were received by Capt. Floyd. In the center of the rotunda the coffin was placed upon empty boxes which had carried the great lens across the continent. Fraser was told by Floyd to remove the cover from the coffin in order to identify the remains. After Lick's death in 1876, a great change took place in the dead man. Flesh had vanished from his bones. However, Fraser recognized him by the pearl button in his shirt, his wig and his long curling black beard. The hair dye on Lick's beard Fraser said made the identification complete.

Then Capt. Floyd said a few words. In the tomb was placed a paper declaring that this was the body of James Lick, and stating what he had done for science. Then the tomb was sealed and a reception was held at which the Floyds and Frasers entertained their friends and those of the public who were interested in making the journey to the summit. At last the millionaire had

his wish. He was buried under his great achievement. Like Sir Christopher Wren emulated by him the little mill-boy millionaire could say, "If you seek my monument look around you."

The transfer of the observatory from the trustees to the regents of the University of California took place in June, 1888, 14 years after Mr. Lick's first trust deed. At the same time the trustees turned over to the regents of the state university \$90,000, the amount remaining out of the \$700,000 left in their hands. After receiving the building the regents appointed Prof. Edward S. Holden director of the observatory.

Only once during the residence of James Lick in San Jose have I heard that he referred even indirectly to women. He bought many fruit trees of the nursery of Fox and Farney. B. S. Fox is now dead, but his nephew, R. D. Fox, is still in the nursery business near Wayne station. R. D. Fox tells me that when he was a young and working about the nursery of his uncle, once Lick came there. He passed a row of young apple trees and asked their name.

"Maiden's Blush," answered young Fox.

"Tut! Tut! They don't blush any more," answered Lick as he went on.

The late mayor, Adolph Pfister, father of County Clerk Henry Pfister, was the only person ever known to venture to play a practical joke on Lick. Lick and Pfister were both followers of Thomas Paine. They were wealthy, and they had a great deal in common. Lick always used to do business with

Pfister and Waterman, who had a big supply store. When he came to town he made that his stopping place. Lick paid little attention to his personal appearance. One day he was opposite the Pfister and Waterman store when a rancher in the store asked Pfister if he knew where he could find a sheep-herder.

"Yes there goes one on the opposite side of the street, and he needs work, too. Go over and hire him."

It is said that Lick did not altogether appreciate the joke when the rancher asked him to herd sheep for him.

Lick was in the habit of putting uncounted money in the safe of Pfister and Waterman. He did not trust banks. Sometimes he left large sums. Mr. Pfister grew alarmed. He said to him when he came:

Mr. Lick, my clerks are perfectly honest, but you are leaving too much money in my safe. If you should make a mistake in counting you might blame the people in the store. I don't want you to leave your money here any more without counting it with a clerk." Lick acceded to Pfister's request, but it was the beginning of a breach in the friendship existing between Lick and Pfister.

Those whom knew James Lick best in San Jose were people who read a great deal the writings of Thomas Paine, a group of pioneers following with much enthusiasm the Boston investigator. Among those were Mr. Pfister, Dr. Spencer, J. Q. A. Ballou and Mr. Lick. Mr. Pfister suggested that he build a college on the Pacific coast in memory of the great writer and in-

fidel. This college would send out missionaries to spread the doctrine in which some pioneers passionately believed.

In 1873 at the age of 77 James Lick began giving away his fortune. One of his first benefactions was to the Thomas Paine society in Boston. To them he gave his beloved mahogany mill which had been rented by him to Pfister & Waterman. Half the value of the mill was to be sold for a memorial hall for Thomas Paine in Boston. Half was to be used for lectures. In the hall liberal lectures were to be given, Mr. Lick expressed the hope that such a hall might be built in every city. On this occasion in San Jose about 50 persons met to celebrate the birthday of Paine. There was music, dancing and Lick was called the Gerard of the Pacific coast. The transfer of the mill was formally made Jan. 16, 1873.

Shortly after Lick gave the mill property to the Thomas Paine society there was a flood, and the unruly Guadalupe as usual behaved badly. About this time a representative of the Thomas Paine society arrived in San Jose from Boston. He had come to see the Lick gift. His chagrin may be readily imagined when he visited the mill property; it was all under water. The society apparently had been presented with a lake. The society wanted land. The Bostonian could not be made to believe that the land had great value. He begged Mr. Pfister and his partner to take it off his hands. They did this for \$15,000. Lick thought it worth \$50,000. He had spent on it a quarter of a million. He was filled with indignation at both seller and purchaser. He washed his hands of the Thomas Paine society forever and resigned.

The Gallagher family at Alviso tell an amusing story of neighborhood nursing when Lick was very ill during the early days of his residence at the mill. The great man had a serious bronchial trouble and he needed an immediate Turkish bath. The doctor said that Lick must perspire very freely. Alas! There was no bath tub in the vicinity in pioneer days. There was much haste to improvise a tub in order to carry out the medical man's orders. All that could be found to bathe the rich Mr. Lick in was a swill barrel. In the swill barrel the bath was given. When the improvised nurses had finished their task it was discovered that a rim of swill had fastened itself to the body of Mr. Lick. In spite of this unbeautiful happening the bath was a success and Lick's health was restored. It may have been this experience that inspired him to give free baths to the city of San Francisco.

Lick had very great prejudice against men who drank. One of his most faithful employees was Robert Griffith, who was with him for 25 years. It was always thought that he would reward Griffith for his services. As a reason for his respect he said that Griffith liked whisky too much.

Often Lick did gardening and building in a most expensive way, but he could not be taken advantage of nor overcharged. Once he sent for a notary to visit him at his place to do some work. The notary was obliged to pay \$3 for a horse and buggy to go to the mill, So he charged Lick \$10 for the work. Lick said that it was too much, but he finally paid it. The notary told me that when he arrived at the mill he found Lick engaged in putting gold leaf flowers on plate glass. Lick told him that he was going

to put this glass in the ceiling of the dining room of the Lick house in San Francisco.

This is one of the few recorded events that show Lick to have had a love of beauty. Another revelation of his aesthetic sense was his love of and care for flowers. He was very proud of his garden. Once there came to the mill which was called Lick's Folly, some visitors who desired to see the flowers, Lick showed them his garden. He overheard one of the women remark that she did not think that much of a garden. So deep was his indignation that he told the visitors he had another garden larger and more beautiful. Then he led them into a huge mustard field growing on the place where he lost them and returned to the house alone, while he quietly enjoyed their discomfiture. They did not find their way back to the house till several hours had passed. When they returned they were greatly puzzled by their adventure, but they did not realize that it was the price that the hermit millionaire made them pay for not appreciating flowers.

200. A WORKMAN'S EXPERIENCE WITH JAMES LICK

Among the most vivid pictures found by me of James Lick, the eccentric millionaire, who long lived in San Jose, is one given by the late Otto Kamp at the county hospital. Mr. Kamp set out trees for Mr. Lick in 1856 at Lick's mill. With Mr. Kamp worked several other men. Kamp came to San Jose in 1849. His father had property near Alviso, and so, Kamp was naturally employed on the Lick place. Mr. Kamp verified none of the stories of Lick testing men before he engaged them, by compelling them all day to carry rocks aimlessly about the garden, or seeing if they

would set cabbages on their heads if so commanded.

To Mr. Kamp Mr. Lick was an excellent employer. He gave men \$30 a month and the best of everything to eat. He took his meals with them. He did not live in the same house with them, to be sure. He gave the men the big handsome new house. For himself he kept a small shack 12 by 12, on the place where he slept. Few knew what was in that shack. Kamp had a chance to find out one evening when he was obliged to go to Lick to take an order after the employer had gone to bed.

Mr. Kamp found his millionaire employer sleeping on the floor on rags in the corner of the cabin. The only piece of furniture in the room was a table for Lick's silk hat which looked as if it had been crushed many times. The hat was in the corner on an unpainted grocer's box two feet square supported by three legs. Lick seemed to have no idea that there was anything unusual in the appearance of the room. He gave Kamp the order, and the worker went away.

Mr. Kamp said that his employer passed most of his time at the mill overseeing it. Always whistling softly to himself. Perhaps once a month he went to San Francisco. Daily he drove to San Jose with a gray horse and a one-horse wooden axle wagon which had a board seat. He was nervous about horses, and before he got into the wagon he shook the cart wheels. Often he drove to town with his nephew. Jimmy Lick, who lived at the mill and who worked for his uncle. Nephew and uncle seldom spoke.

Mr. Kamp said that when he was first employed by Lick there were no trees on the Lick mill property, only the sycamores

growing on the banks of the Guadalupe. Mr. Kamp and the men working for Lick in 1856 set out 40 acres of trees. At that time they planted near the house cherry and apricot trees. They also set out many ornamental trees near the house besides the 40 acres of orchard. Apples, pears, peaches and plums made up the orchard. Mr. Kamp said that Lick was always very thorough in his work and he insisted on the ground being fertilized, pulverized and worked before the trees were planted. When the task was done so excellent was the workmanship that only the raging flood of '61 and '62 could have undone the work.

202. FIRST PIANO IN SAN JOSE

The family of James Frazier Reed of the Donner party had the first piano in San Jose. It is still in the possession of the family of the late Mrs. Mattie Reed Lewis of Capitola. Mrs. Reed told me the story of the arrival of the instrument.

The piano came to Yerba Buena by way of Cape Horn Nov. 1, 1849. It was made by Burns of Albany, and was brought by Mr. and Mrs. Wilson played as the vessel came around the Horn, and was greatly attached to the piano.

James Frazier Reed was one of the earliest to make a fortune in the gold mines, and always he was on the lookout for something to give pleasure to his family. Often in San Francisco he sought out Col. Stephenson to see what was the newest steamer importation. He was with Col. Stephenson when he was approached by the Bostonian, Mr. Wilson, who asked:

"Do you want to buy a first-class square piano?"

"Yes," said Mr. Reed.

"Come and see mine," said Mr. Wilson. "It just came from Boston by sea. It is still on the ship."

"It isn't necessary for me to see it," replied Mr. Reed. "If it is all right. I'll take it. How much do you ask?"

"One thousand dollars."

The piano was brought by wagon from Yerba Buena to San Jose, but Mr. Wilson gave only a conditional bill of sale. He was going to the mines, and he wished to repurchase the piano if fortune came. To that Mr. Reed agreed.

In a month or two Mr. Wilson wrote from the placers to Mr. Reed asking for \$500 more. He told Mr. Reed that if he could obtain that sum the bill of sale should be made absolute.

Mr. Reed bought the piano for his daughter Virginia, and he paid a San Francisco music teacher, a Frenchman named Love \$175 to give Virginia Reed a course of lessons. The lessons were begun but never completed, for when Miss Virginia was 16 she suddenly decided to become Mrs. John Murphy and left home.

Mr. Love was astonished to find himself without a pupil. "How about this little girl?" he asked, indicating Mattie Reed, later Mrs. Frank Lewis.

"She has no music in her soul," said her father.

"We'll find out," replied Mr. Love.

Mattie Reed was shy about taking lessons, but she learned rapidly. The Indians were delighted and used to come and stare in at the windows and watch her play. Before the music master had given that \$175 worth of lessons, to the surprise of the Reed family, Mattie could play "Money Musk" and other simple airs.

Mrs. Lewis told me that Mr. Love was succeeded by a Scotch lady, Miss Winlack, who had a young ladies' seminary in Yerba Buena. Miss Winlack came to San Jose and she finally decided to live at the Reed house. From her James and Thomas Reed also learned to sing and to play the guitar.

When Miss Winlack was about 60 she decided to go to her home in Scotland and rest for the remainder of her days. To the regret of her pupils, she sailed from Alviso on the Jenny Lind. The story has often been recorded of how the boiler burst and the steamer was blown up, killing several and wounding others, Miss Winlack was identified by the embroidered letters "J. B. Winlack" on the band of her chemise. Her effects were sold at auction.

Frederick G. Appleton bought Miss Winlack's beloved old guitar and gave it to Mrs. Lewis. It was in her living room when she died. The make of the guitar is the Remillard. It is about 200 years old.

203. THE FIRST STATE FAIR

The state fair was held in San Jose in 1856. The State Horticultural society was organized on the grounds of Don Louis Privost. Those present were: Judge William Daniels, Louis Peller, J. R. Bontemps, B. S. Fox, E. W. Case, J. Q. A. Ballou, Joseph Aram, John Llewelling, F. G. Appleton and some others. Judge Daniels was the first secretary. In 1859 the Horticultural society became the Santa Clara Agricultural society with Judge Daniels as president. To those men, more than any others is due the credit of fostering the fruit industry in Santa Clara county. Several of the organizers were excellent gardeners. All were thought-

ful and intelligent. Of these fruit pioneers, Mrs. J. A. Q. Ballou of Palo Alto is the only one living.

The Horticultural society was responsible for the state fair in San Jose in 1856. This event was not only a great occasion horticulturally but a great occasion socially. Houses were crowded with guests. Hotels were full. There were not enough bedrooms in town and so Mrs. Alban, wife of the undertaker, hurriedly improvised basted comforters. The cotton from these caught on the black broadcloth of some of the distinguished visitors, and so the town was greatly amused by seeing at the state fair black coats decorated with odds and ends of cotton.

The exhibition of fruit, flowers and implements was at the city hall, which at that time was in the Market st. building now used as a fire house. Judge Daniels' flowers took most of the prizes. It was the custom in San Jose at the close of a fair to distribute the fruit and flowers among the ladies.

Often pioneers have said that there were no apples like those apples at the state fair in '56. Mrs. J. Q. A. Ballou tells me that this is really true. At that time apples were grown on uncropped, virgin soil. Pests were unknown, the foliage was clean and fruit grew to unusual size. Mr. Ballou says that the largest apple ever seen by him was the Gloria Mundi, a large white apple afterwards much planted. The apple was placed in a conspicuous position and its weight was marked on the card accompanying it. Mr. Ballou looked at the apple and wondered not only at its size but at its extraordinary weight. He believed it must have been weighed according to troy instead of avoirdupois. Mr. Wheeler

maintained that that would make no difference, the system of weighing was the same. Mr. Ballou had considerable difficulty in convincing him of his mistake, but he finally did. He also discovered that the apple had in reality been weighed according to troy. Perhaps the reason for this was that the managers of the fair felt that an apple so large should be sold by the karat because it was the golden apple of Santa Clara county.

Mr. Ballou says that the largest squashes ever seen by him were at that same state fair. He does not venture to recall how much they weighed but no one could lift the two squashes exhibited. They weighed more than 100 pounds and possibly 200. Someone succeeded in extracting from the squashes' lower invisible side their 164 seeds. Mr Ballou obtained two of them and he himself the following year raised squashes from those seeds weighing more than 100 pounds. Mr. Vestal of the Milpitas rd. raised even larger squashes from the prize seed.

Keen as was the appreciation of the horticulturist for the fruit exhibited at the fair, even greater interest was in the races and sports held on the 35-acre tract of land about two miles from the center of town on the old Jeremiah Miller place near Oak Hill cemetery. There was placed the first track with a course a mile long.

Beauty and bravery met at the races. Among the women who took part was Miss Virginia Reed, daughter of Thomas Frazier Reed. Miss Virginia afterwards became the wife of John Murphy. She was tall, slender and carried off the first prize for graceful riding.

Miss Emma Gruell, daughter of Jacob Gruell, a rancher who later became a minister in the South Methodist church, took first prize for mastery in riding. Miss Gruell had been brought up in the saddle and she rode like a vaquero.

Among the men who won prizes were John and Don Murphy. Of course they were famous horsemen. Some Spanish Californians also contested for honors, and so many splendid exhibitions of horsemanship were given that the races were even more successful than the fruit and flowers.

204. EARLY PHYSICIANS

Dr. Isabel was the first American physician to practice in San Jose. He came in 1846, but passed the winter in Santa Clara. The late Mrs. McCracken, who was here at the time, said that he visited San Jose often during that first winter for there was considerable sickness in the pueblo. He used to be obliged to swim his horses across the rivers. Mrs. Isabel had the first English speaking school in the county at Santa Clara. The Isabels came to San Jose, but they did not long here remain. When the gold rush came Dr. Isabel went to the mines where he was a partner of John and Daniel Murphy. There he made a considerable fortune.

As early as 1845 Dr. and Mrs. John Townsend came to California. They arrived with the Schallenberger-Murphy party. The Townsends first came to San Francisco. Dr. Townsend was the alcalde of that place, and Townsend st. was named for him. The Townsends came into the valley and settled on the old Townsend place in 1849. Dr. Townsend used to practice medicine in the country between San Francisco and San Jose. Dr. and Mrs. Townsend

were among the most conspicuous victims of cholera during the cholera epidemic of 1850. They left one son, John Townsend, who was the only alumnus of Notre Dame convent. His babyhood was passed there with two servants, and the funds coming from their board had a great deal to do with assisting in establishing of Notre Dame. Later John Townsend went to Santa Clara, and from there to Cambridge university. His widow lives on the old Townsend place.

Dr. and Mrs. Bascom came in '49 and lived on First st. where Mrs. Bascom opened her famous "Slap Jack hall." Long they had an important part in the life of the community. Dr. Bascom for a time was a partner of Dr. Benjamin Cory, who arrived in 1847, and was the first physician to live in San Jose.

Dr. Cory was the son of Dr. James M. Cory of Oxford, O. He was a graduate of Miami university. He practiced medicine two years before he decided to cross the plains to California. He set out in 1847 with the intention of coming to California, but the Indians on the plains were in an ugly mood, and so, he went to Oregon. The rains of that state did not please him and he left for San Francisco. There he bought some property in what since has become South San Francisco.

At that time San Jose was larger than San Francisco, and Santa Clara was larger than San Jose. Already in San Francisco were two physicians, Drs. Townsend and Fourgeaud. Lured by what he thought was the metropolis Dr. Cory came to San Jose in a sailing vessel. From Alviso he rode on horseback, and sent his luggage by oxcart. There was no physician living here at the time and Dr.

Cory received a warm welcome. The late Mrs. Elizabeth McCracken recalls that he wrote the invitations to the first Fourth of July celebration because there was no printing press in town.

From the first Dr. Cory entered actively into the life of San Jose. He was one of the 19 citizens who came forward with his share of the subscription of \$34,000 when it was necessary in order quickly to acquire a state house for the pueblo. Like the other citizens Dr. Cory was never paid for the money volunteered by him. He was a member of the first legislature and several informal meetings of that body were held in his office. In later time he was one of the common council, a member of the board of education and one of the trustees of the normal school. In the early 50s when San Jose was afflicted with a wave of crime the vigilantes were organized and Dr. Cory was one of that body.

He worked very hard during the cholera epidemic in the 60s. Mrs. Cory had the cholera at this later time. The late E. C. Munn told very amusing incidents of this period. If one complained of a headache one was likely to be seized and taken to the pest house. Mr. Munn himself remained in hiding three days in order to avoid isolation because he had suffered from nausea while painting a building.

Dr. Cory was most generous in treating patients. From Gilroy to the Mission San Jose he was beloved. He used to ride horseback, singing along the road, fording streams, taking pleasantly good and evil, sunshine, storms and robbers. His patients made him the custodian of their secrets and their counsellor. In the early days of his practice he charged windows

and orphans nothing. Always he kept a notebook and he learned from his patients Spanish.

When very young Dr. Cory married Miss Sarah Braley, daughter of the Rev. John Braley, a Cumberland Presybterian minister. The Braleys crossed the plains the same year that the Corys did, and settled near Lawrence station. One of Mrs. Cory's brothers, who as a boy of 14 came with the party, is still living in Los Angeles. In spite of his 90 years not long since he is active in public matters.

Dr. Cory died in 1896. There still survive him John B. Cory, a large fruit grower and bank president of Lodi; Lewis L. Cory, a lawyer of Fresno; Mrs. Lizzie Ledyard of the Home of Truth of San Jose, widow of Dr. Henry Ledyard; Mrs. F. K. Ledyard, wife of Dr. Ledyard of Pasadena; Mrs. C. E. Hablutzel, wife of Dr. Hablutzel; Mrs. R. B. Hummel, wife of a Presbyterian missionary who now lives in Oakland; Mrs. William J. Alexander, wife of the president of the Keystone Co., and Miss Sarah Corey, who teaches in the high school.

205. EARLY PHYSICIANS

Dr. Benjamin Cory's first partner was Dr. Bascom. His second was a very brilliant surgeon, Dr. A. J. Spencer, father of the late Judge Frank Spencer and of the late Dr. Hume A. Spencer, the veterinarian. For four years the partnership lasted. It was dissolved in 1856, but the two physicians remained long in the same office.

Dr. Spencer was the first surgeon of any note in Santa Clara county. He was born in Watertown, N. Y., and he

attended the Jefferson Medical college. Though but 20 when he graduated he was at the head of his class. For a time he practiced in Syracuse, and later he moved to South Carolina, where he lived for a few years. Then he moved to Plainfield, Ill. His second wife, mother of Dr. Hume A. Spencer, was Miss Wright, cousin of John Quincy Adams, and also of Governor Wright of New York. She too had been married, and was Mrs. Barker, the first housekeeper of the Congress Springs hotel at Saratoga Springs, N.Y.

Dr. Spencer first came to California in 1849, during the gold rush, but he fell ill in the mines and returned home. However, he could not forget California and for the second time he crossed the plains. He came back in 1852, bringing all his family. He chose San Jose because of the climate and because it had been the capital.

Dr. Hume A. Spencer was only 4 when the family reached San Jose, but Frank Spencer, who was to become one of the leaders of the bar, was older. He was 8 when he arrived. He was half brother to Dr. Hume A. Spencer. The Spencers brought to California many horses, cows, mules and wagons, Mrs. Spencer drove four horses all the way across the plains. The doctor brought with him some surgical instruments that had been used by a British surgeon in the war of 1812.

The Spencers first lived in one end of an adobe in Market st., where the macaroni factory now stands. In the other end was a store kept by a Mr. Duer. Back of them in San Carlos st. was the adobe residence of Josiah Belden, the richest man in town.

Dr. Spencer was delighted with his profession in San Jose. There was much violence in the community, many shootings and many accidents, and he was busy. The fees were so large as to surprise the Illinois doctor, who was used to getting 50 cents for a visit. In San Jose when he went into the country he had \$5, \$10, \$50, and when there was surgical work to be done he received sometimes \$1000.

After Dr. Spencer formed a partnership with Dr. Cory, the two physicians found an old frame house in the mustard in Sixth st. This they bought and moved to Second st., at the foot of Fountain alley. They partitioned it into two halves. The Spencers lived in the north half and the Corys in the south room. The two families lived in this house for several years. Not for some time did they know that it had served as a pest house during the cholera epidemic in 1850.

Dr. Hume A. Spencer told me that often he went with his father to treat patients. Travel was difficult, even if one kept one's horses from being stolen. Dr Cory had three stolen in a week. Dr. Spencer used to sometimes keep his horse padlocked to a redwood beam buried in the ground of his stable. A burglar alarm in the form of a warning bell rang in Frank Spencer's room if the stable door was opened in the night. Once Frank Spencer was awakened. He got up and filled the back fence full of shot. Sometimes Dr. Spencer rode on horse back, but more often he went in a light two-horse conveyance. Two horses were necessary because in the summer sand was very deep, and in the winter mud made the roads almost impassable.

Dr. Spencer recalled one thrilling drive of his father to the New Idria mines, nearly 100 miles south of here. A Spaniard had been shot and was supposed to be dying. Relays of horses met the doctor at Gilroy and San Juan, and he drove as fast as the poor animals could carry him. When he arrived at the mine, the man was still living, but he had been kept alive by a priest, who for 15 hours had sat by the dying man's side pressing hard on the femoral artery keeping the wounded man from bleeding to death. When the tourniquet was applied to the leg the priest was relieved of his task, so great was the relief that he fainted.

Dr. Spencer performed the operation that saved the life of Mountain Charley. When the first operation was performed it was crudely and hurriedly done by others. A Spanish silver dollar was flattened out on a piece of iron and the skin was sewed over it. Mountain Charley was delirious when Dr. Spencer arrived, ripped out the stitches, opened the wound, removed wads of hair from the brain, and from the wound puss and dirt. Dr. Spencer did the best he could to repair unskilled surgery, but always one of Mountain Charley's eyes was higher than the other and he was greatly disfigured.

Dr. Spencer, like Dr. Cory, held many positions of trust during his lifetime. He was one of the first trustees of Alum Rock Park. He was greatly opposed to capital punishment and to the vigilantes. He wrote scathingly against them. This aroused the indignation of the vigilantes, and one night when they knew that the doctor was on his way to Gilroy they met at the old Twenty Mile House for the purpose of hanging him. Fortunately the

doctor's horse wandered and did not pass the hotel and saved the life of his owner.

Dr. Spencer planned always that both of his sons should be physicians. He gave them their first training in physiology and pathology, but finally he decided that a physician's was too hard a life. Frank Spencer studied with Archer and Voorhies and became a brilliant and successful lawyer. Hume A. Spencer went into the cattle business near San Jose. Then he got some land and began raising cattle near Visalia.

Hume Spencer was very fond of animals, and he was always called by neighboring ranchers to treat their sick stock. So successful was he, and so profitable was the work that he studied three years in the Pacific Coast Veterinary college, of the University of California and got his degree. For 40 years he practiced in San Jose. Now there are several trained veterinarians in San Jose, but when Dr. Spencer began practice he was the only one with a scientific education.

206. REDMAN PARK, THE CASTLE OF ITS OWNER

For years the mission orchard at Santa Clara was called Redman park. It was so named by Judge J. W. Redman, who long owned the property. In Franklin st. was a huge swinging gate barring intruders from this orchard of pears and figs. Judge Redman also built near the cross marking the second mission site several huge pillars of brick 30 feet across and higher than the church. These were to be the beginning of his castle, for he wished to live in a house taller than the church. But the judge never built his castle. In the frame work homed owls, and one night in the 70's the frame

work took fire. Finally the castle crumbled and was taken down.

Joshua Winn Redman, first county judge of Santa Clara county, used to live in a very large two-story house with one side on Sherman and Franklin sts. It had balconies both front and rear, and a great many rooms. Grape arbors were in the garden back of the house. In the rear was brick paving and an artesian well. The water came out of a linn's head and gurgled away to the Mission orchard. Along its route grew wild roses and yellow tea roses in great profusion. This fountain from which the water flowed is now in the possession of John A. Day, who used to be a blacksmith in Santa Clara. At one time his father managed for Mr. Redman the mission orchard. Along its route grew wild roses and yellow tea roses in great profusion. This fountain from which the water flowed is now in the possession of John A. Day, who used to be a blacksmith in Santa Clara. At one time his father managed for Mr. Redman the mission orchard.

Judge Redman was a versatile man and he had a varied career. He was born near Baltimore in 1789, and educated for the ministry. He studied law and medicine at the same time. He was a surgeon at the battle of New Orleans.

Always Judge Redman was moving. Kentucky and Indiana both had him as a resident before he came to California. In Colorado he was postmaster, doctor, merchant, notary of public and colonel at the same time. He was appointed a brigadier general by Governor Boggs in the Black Hawk war. In 1849 he came to California and went into the mines. He came back to San Jose.

At that time the Santa Clara mission orchard was a tempt-

ing bit of property, and the squatters always had an eye on it. The Widow Bennett thought that she would squat on it, and she went so far as to engage Judge Peckham, then a young man just arrived, to plough it for \$30 a month, but the job was not alluring to the judge and he came to San Jose and joined the army.

Benito Diaz, Juan Castanda and Larais Annellnas claimed to have a deed of the orchard from Pio Pico in 1846. From them Charles Clayton, John H. Watson, James M. Jones and J. W. Redman purchased a title to the orchard. About 1849 or 1850 Antonio M. Osio of Monterey, took possession of the property under a title emanating from General Castro. Osio was so disturbed by settlers that he gave up working the orchard and even carried away his improvements to Monterey. Father Real was appointed his agent. To Joel Clayton the priest leased the orchard. About the same time a San Francisco man leased the place from a San Francisco agent and paid the rent partly in advance. Clayton refused to give up the orchard unless first reimbursed for his expenditures. Osio declined to do this, and so, Clayton remained in possession. Then as the result of a judgment against the Mission, the orchard was sold at auction and James F. Reed and others obtained possession of the property. Under the Reed title Joel Clayton leased the orchard.

This was the signal for much litigation. Osio commenced suit for possession. Charles Clayton, Watson, Jones and Redman brought suit against Joel Clayton. Joel Clayton disclaimed any right to the orchard, and so his brother and associates came into possession. Osio brought suit in San Jose charging collusion. After a maze of litigation Charles Clayton and Redman had the orchard.

For years they held it and made therefrom much money. It was named Redman park. While Redman owned the orchard he had several wild animals in the enclosure and he made of it a kind of pleasure garden. In later time these animals were sent to Woodward's Gardens, San Francisco.

After the Jesuits came to Santa Clara Father Nobili brought suit against Redman and Clayton for recovery of the orchard. The case was tried in Alameda county, and carried to the supreme court. At the same time Bishop Alemany filed his petition before the land office seeking that all mission property be confirmed as land of the Catholic church. His claim was confirmed. All through the litigation Judge Redman and Father Nobili were the best of friends.

Before the case was decided Judge Redman was elected first county judge of Santa Clara county, and his death took place. R. A. Redman, as administrator of his father's estate, and Charles Clayton compromised with the bishop. In return for a quit-claim deed the Redman family received a lease of the property for six years for \$1000 a year. However one of the fathers shrewdly remarked that while the church got back the egg, the yolk was gone.

The orchard had fallen into decay. One by one the great trees succumbed to time. Now not a vestige of one remains.

A number of years ago the Southern Pacific paid the University of Santa Clara \$18,000 for 18 acres of land. The remaining 40 or 50 acres are used as a dairy, football and baseball grounds and a swimming pool.

207. BEGINNING OF SEED GROWING

It is not generally known that today San Jose, Santa Clara, San Juan, Sacramento, Walnut Grove and Stockton nearly supply the world with seeds. Europe used to be a competitor, but during the war the business of growing seeds turned over to California.

Not that California can begin to supply the wants of the world for seeds, but she is trying with labor as high as \$3.50 a day.

In California the business of growing seeds, so I am told by seed men, originated in Santa Clara. The Reverend Robert A. Wilson, and Adventist clergyman, was the first man to raise them for the market. Mr. Wilson and his wife came from the middle west to California for their health about 1871. Soon after with the reverend and Mrs. D. D. Reed, both preachers, Mr. Wilson established the Adventist church in Santa Clara. He had grown seeds in the east. About the year 1871 he began growing seeds on a small lot in south Santa Clara. Success was immediate. Later he transferred his gardens to the flat iron shaped lot on The Alameda below the factory of the Pacific Manufacturing Co. At one time Mr. Wilson had 30 acres of seeds on the Stockton ranch. Mr. Wilson made a specialty of onion seeds. These were very profitable, for some times they brought as high as \$2.50 a pound.

Soon after Mr. Wilson made a great success of the seed business the Reverend A. L. Kellogg, a Methodist clergyman, with some fortune, from New Jersey, became interested in the business. In the 70s he, too, had been ordered to California for his health and was told by his physician to become a farmer. His daughter, Mrs. Enright, lives in Santa Clara and she told me that he father

for a time worked with Mr. Wilson to learn the business. After he took possession and harvested a crop, he saw that the business was too large for one man. He looked for a partner. The Reverend Mr. Wilson formed a partnership with C. C. Morse, who was a member of his church. For a time Mr. Kellogg put in most of his efforts in the east and Mr. Morse remained here. Mr. Morse was a painter by trade. Mr. Morse and Mr. Kellogg grew seeds with much success, and in a few years Mr. Morse bought out Mr. Kellogg.

Every one knows the enormous success of Mr. Morse. The Morse seed farms near San Juan are of bewildering beauty. This firm has many acres of sweet peas. The largest fields in the United States are theirs, and although many sweet peas are grown in Europe and many fine varieties there originate, it is said that the Morse Co. supply three-quarters of the sweet peas of the world. Mr. Morse is dead, but the firm of C. C. Morse is now managed by his son, Lester Morse. Mr. C. C. Morse married Miss Langford, an aunt of ex-Sheriff Langford.

One of the most successful seed growers of this county was Prof. J. M. Kimberlin, who was one of the first teachers of the old San Jose academy. Associated with Mr. Kimberlin in his work as a teacher in the early fifties was his wife. Later both were transferred to the University of the Pacific. Mr. Kimberlin gave up teaching and in the early fifties raised a few seeds for the market, but he didn't go into the business until 1875, when he too engaged in seed growing on the Stockton ranch. It was virgin soil and Mr. Kimberlin was obliged to pull up willows to obtain suf-

ficiently rich soil for seed growing. At one time Mr. Kimberlin had more than six hundred acres of seeds. He left several children. His business is now carried on by the Kimberlin Bros.

The Kimberlin family had an unusual history. They were well educated, wealthy Virginia planters. Prof. Kimberlin was a graduate of Dickinson college. They were devout Methodists. As the years of the war approached discussion raged as to whether it was right to keep slaves. The Kimberlins decided that it was wrong. They decided to free theirs. Deeply sympathetic with them in this project was the Reverend Mr. Taylor, afterwards Bishop Taylor of Africa. Mr. Taylor had married Miss Kimberlin, The Reverend Stewart Taylor, father of Bishop Taylor, became interested in the project. He himself took the slaves of the Kimberlins to Africa, and Bishop Taylor paid the expenses of \$1000. This so incensed the slave owners that at times the bishop's life was threatened.

Soon after this, about 1852, the Kimberlins came to California, where they played an important part in educational and church life. Mr. Kimberlin died a wealthy man. Mrs. Kimberlin was as capable as her husband. She had charge of the seminary at Santa Clara. A story is told showing her energy and initiative. The Kimberlins had some land near Alameda that a squatter had built a shack upon. One night Mrs. Kimberlin went with horses and removed the man's cabin. In the morning her own cabin was erected instead of the squatter's, Mrs. Kimberlin was of great assistance to her husband in making his fortune.

Many thousand acres of seed land are under cultivation

in the state. In very few parts of the world can seeds be grown, because not only is rich soil required, but water must be obtainable, and the climate must be equable. Either cold or heat is fatal to the successful production of seeds. Even in this state only in a few places can seeds be grown successfully.

208. MURIETTA SHOPPING NEAR SAN JOSE

Joaquin Murietta used to visit Santa Clara county to shop. That is, he came to this vicinity to lay in supplies of jerked beef. The Bernals of the Santa Teresa ranch are authority for the statement that in their grandfather's time he came to the ranch near Edenvale with a band of his followers and took away with them all the meat they could carry strapped in bags on the horses' backs. After laying in supplies Murietta and his followers went back to the San Joaquin valley country by taking an almost impossible trail across Mt. Hamilton. This trail was so remote and so difficult that perhaps not one man in a day passed over it.

The Bernals tell me that the reason that Murietta came to the Santa Teresa was that in the forties and fifties there were thousands of wild cattle at large in the San Joaquin country. Antonio Bernal used to go over there to catch these horses because they belonged to anyone fleet enough to capture them. On these expeditions Antonio Bernal became acquainted with Murietta, who never robbed his own countrymen, and who by them was treated and considered as a greatly wronged man. Never would a Spanish Californian ranchero betray Murietta to the American officers because they pitied him for his wrongs.

The story of Murietta is familiar to most of those who

know Spanish Californian history. He was a law abiding Sonorian who came to California with his family to hunt gold. He had a good claim of land and was as much respected as any man. One day in his absence something happened which turned the law abiding miner into one of the most terrible men ever known in California. He found that his wife and daughters had been outraged, his claim taken. He was penniless and his soul was in torment.

Back to Sonora he went with his family. There he left them. For himself he bought a coat of mail, returned to California, his spirit poisoned with hatred and a desire for revenge.

Riding on a white horse he robbed and killed Americans ruthlessly. To his own people he was all kindness. Often he went to meet pack trains of poor Sonorans and helped them on their way by giving them assistance. He went with them into the placer country and got for them locations of mining claims.

The story of Murietta's death has been told, but the Bernals, like others, say that all the Spanish-Californians about San Jose who knew Murietta declare that he was never shot by Harry Love. They say that while he was being hunted he got away to Mexico where he joined his family. They insist that he lived to be an old man and died a peaceful death.

The late Louis Bruch declared that when he met James Marshall, the discoverer of gold, Marshall said that Murietta was not killed. All agree that Murietta was a fair Yaqui, and the Bernals say that the head of the man exhibited in San Francisco could not have been his. But nothing is more common than for the friends of unusual people who have died in a doubtful way to claim that

they are still alive.

210. STORY OF PLAZA PART I

The oldest park in San Jose. From the beginning of the pueblo it served as a common. Here was a meeting ground. Here were the processions of the church of fete days. Here were the games of the youths. Here was the heart of the life of the town from the time that it moved to its present site in about the year 1797. Twenty years previous to this year the pueblo San Jose de Guadalupe had been founded not far from the first Alviso bridge. Perhaps it would be more correct to say that the first little settlement paddled about in the water for 20 years because the Spanish government was too slow, too far away or too important to heed the drowning cries of the just-invented infant pueblo.

Finally it was allowed to move to higher ground. Here it has been fairly comfortable about 130 years. Mrs. Luisa Supulveda Mesa, at her death was San Jose's oldest native daughter. She did not speak a word of English, but through an interpreter, she told me about the plaza as she knew it from 1828. It was her nursery. Her father, Juan Supulveda, for his long service in the Spanish army was given some land which included the lot now owned by Paul Masson and on which his residence stands. Here lived Mrs. Mesa.

Mrs. Mesa said that in her childhood during the 30's and early 40's the plaza was very irregular in outline. Houses were built in a haphazard way. The plaza was far wider than it is today. In fact, it extended as far as First st. Its length was from San Salvador st., where there was a rancheria of Indians,

to just beyond Senora Romano's garden, near where is the Southern Pacific station. The reason why Market st. is so wide is because it was once the plaza of the pueblo.

Mrs. Mesa said that near Post st. the juzgado stood out in the middle of the plaza. On either side of the park of the pueblo were adobe residences of the Spanish pioneers of San Jose. The first large general supply store that Mrs. Mesa recalled was somewhere near the site of the Peninsula station, and was owned by Don Antonio Sunol, who came to California from Spain in 1818. He had the distinction of having seen Napoleon surrender before he went to St. Helena.

Mrs. Mesa said that there were few bull fights held in the plaza. Residences of the Spanish pioneers of bulls were not pleasant visitors. Bull fights took place for the most part in a field close to Senora Romano's house, near the present Southern Pacific station. Horse races were run on the Monterey rd. Running matches were often held in the plaza. The popular Spanish game of burying a rooster in the sand so that only his head can be seen, and then, mounting a horse, riding past the rooster and catching the bird by the neck, pulling him up without dismounting oneself, was the game not too wild to be played in the plaza. Of course there were cock fights in the plaza. Steel spurs were put on the fighting birds and the crowd gathered and watched the sport. The two men most interested in cock-fighting were Feliz Buelna and Francisco Pinto. Pinto lived near the convent.

According to Mrs. Mesa soldiers used to assemble and drill in the plaza.

In the plaza too, were read all government proclamations of changes of laws. Through the plaza flowed from the southeast to the northwest a small creek which at certain times of the year was flooded with water.

211. STORY OF PLAZA PART II

Market Square, as the Americans named the plaza, had its present, boundaries fixed in 1848, by a Yale professor, C. S. Lyman, who became United States surveyor in California. He was employed to resurvey the William Campbell survey of 1847. The plaza was the scene of many historic events of the town, Members of the first legislature passed through it on the way to elect Fremont to the United States senate, for the old State House stood on its eastern side.

In the plaza were executed in public in 1849 three Americans. Several men were later there hanged in public. To the Spaniards this was very horrible. Though they did not shrink from killing bulls for pleasure, to them it was shocking to see their old plaza stained with the blood of men, even the blood of their conquerors. But stained it was many times. The Americans did not take their early hangings tragically, Rather some considered them as a free entertainment.

The late Dr. Hume A. Spencer related an incident to illustrate this. When his father, Dr. A. J. Spencer, first arrived in San Jose in 1852, he rented an adobe house of three rooms at the corner of Market and San Carlos. While living there Mrs. Spencer received an early visit from some people living in the country.

"Aren't you in rather early?" asked Mrs. Spencer, surprised to see not only the grown people, but the children.

"No we've come for the hanging. Aren't you going?" ans-

wered the visitors.

"Good gracious, no!" replied Mrs. Spencer. Dr. Spencer did not believe even in capital punishment.

"They are hanging a white man," argued the visitor. "It is not often that you can see a white man hanged." In spite of this special inducement Mrs. Spencer resisted the invitation.

Many still believe that public hanging is the best way to do away with criminals. But public executions were stopped. Wrongdoers were killed in the jail yard.

About 1854 a school was built in this plaza a little southwest of the city hall. It was kept by Wesley Tonner. Here went to school Dr. Hume A. Spencer, Louis Bruch, the Delmas boys. Albert Schroder, James and Thomas Reed, Frank Pfister, Antony Logan, Marshall French, Samuel Hanks, Milton S. Williams, the Bernal boys, Euseblo Schroder, Alcede, William and Hypolyte Veuve, and the Misses Carrie Watson and Clara and Neil Skinner. This building was afterward used as a school for colored children. It was removed when the plaza was extended.

Dr. Spencer had a beautiful memory of the plaza in 1853, when Calvin Martin, who was one of the wealthiest pioneers, married at St. Joseph's Miss Francira Leyle. Dr. Spencer was only a small boy at the time, but he remembered well the beautiful procession in the plaza. Over the heads of the bride and groom was held a canopy by four beautifully and brilliantly gowned senoritas. To the music of guitars they paraded the plaza and made for the eyes of the American boy the gayest wedding party ever seen by them.

Not much attention was paid to embellishing the plaza

till 1864, when it was graded William Kent, a few years ago employed in the gardens of the county infirmary, recalled the trees of the old plaza in the 60's. He was the son of the William Kent who for 18 years had charge of the city hall park after it was laid out. Mr. Kent told me that once there were pine trees in the Market plaza of an age and size to indicate that they must have been set out soon after the Americans came. There were several circles of dwarf box hedge in the plaza. In those days people were inclined to avoid the plaza. Chinatown was just across the way, where now stands the postoffice, and Chinatown used the plaza as its recreation ground. In those days Chinamen were especially unpopular, and no one would go near the plaza.

After Chinatown burned people began considering what could be done with the plaza. In 1879 it was voted by the city that Market st. should be extended straight through Market plaza, and that San Jose st. and Guadalupe st., or North and South Market should be closed. With this intention the pines and shrubs were uprooted. Then some one discovered that the city was doing an illegal act. The law stated that the plaza must always be used as a park. At this time the heirs of Antonia Maria Pico, who lived near the present postoffice, asserted a claim to the plaza. They declared that it had been given to the pueblo by their ancestor, who said that the land should be returned to the Picos in case it was not used as a plaza.

This discovery put an end to "improvements" and saved the oldest park in town. For a little time the plaza with no trees at all was an eyesore.

In 1870 the mayor and common council offered to the

state the plaza as a site for the normal school, but this gift would have been illegal.

There were several plantings of trees in the plaza, but William Kent told me that the most important one was about 1887 and 1888, under the direction of R. Ulrich, the landscape gardener of the Hotel del Monte, who came here and remained a year and put design into the plaza. When he returned to Monterey from there he directed the care of the plaza. For 18 years William Kent Sr. had charge of the gardens of Market Street plaza.

209. MARCELLO, THE BUILDER

Marcello, one of the Indian builders of the Santa Clara Mission, probably lived more of the history of San Jose than did any other person. Marcello was the chief of Ulstack Indians. When he died in 1875 he claimed to be 125 years old.

The late Joseph Fenton, manager of the Dougherty brick yard, as a boy knew Marcello. Often the old Indian frightened him by his wild yell on the Fenton ranch near Alviso, where Marcello died. He said that Marcello was more than six feet tall and a man of great strength and power. When 100 years of age he performed great feats in lifting.

Marcello's photograph in the Carnegie library in San Jose shows him to have been of a high physical type. He had a handsome, well-shaped head, fine features and eyes shadowed by the melancholy of doom to be seen in the eyes of all Indians. Mrs. Espinosa, one of the daughters of Secundino Robles, who knew Marcello at the Mission Santa Clara, told me before her death that he was fairer than most Indians. He looked as if he had Spanish blood.

Marcello's face and head might have belonged to a great painter. Indeed he had many of the qualities of an artist.

More than any other person except Father Viader was he responsible for the Santa Clara mission. Father Viader was the architect.

Marcello knew how to use the flame colored pigment from the New Almaden with which the Santa Clara mission ceiling was painted. Besides he learned quickly how to make adobe brick according to the fathers' idea. He was very strong and like most Indians, he could run with less fatigue than Americans can walk.

After the mission was destroyed by the earthquake in the early part of the 19th century, Marcello, with a priest and several Indians, went into the Santa Cruz mountains, 15 miles distant, for the redwood, or "everlasting wood." Marcello knew precisely at what season it should be cured. Some of the logs cut by the Indians were a hundred feet long. After a log was cut and mounted on the Indians' shoulders the priest blessed it. The Indians were so exalted by the ceremony that they did not rest the log on the ground till they arrived at the mission. One of these logs still serves as the railing for the sanctuary at the Santa Clara mission.

Marcello never forgot his skill as a mason, and when repairs were needed at the Santa Clara mission the late Ignacio Bernal, who was at the college in the early 50's, told his family that the fathers sent for Marcello to do the work.

In Marcello's youth it is known that he grew restless and resisted with violence the fathers' authority. He and two other Indians attacked Father Viader. The priest was a strong virile man.

With his own hands he had helped build the mission. In combat he worsted the Indians by knocking their heads together. After the father quelled Marcello's insurrection the Indians became extremely devout. Time intensified Morello's love for the mission. The men who were at Santa Clara college 45 years ago recall how often Marcello prayed hours in the mission.

Mrs. Espinosa, Secundino Robles' daughter, told me that when her father was mayor domo of the mission in the 40's Marcello had charge of the Indian girls, while Inygo was superintendent of the men in the field. At that time Marcello was losing his sight. Father Taggio says that Marcello in his last days became nearly blind and deaf. He went his lame way about the mission, his cane tapping the walk. He spoke in grunts.

After the mission was secularized Governor Pio Pico in 1846 gave Marcello a league and a half of land near Alviso. It was called the Ulstack grant.

The Indians hugged the lowlands. They liked fish. At that time the sturgeon were so plentiful in the bay that one could almost walk on them. The Indians liked to swim and bathe. They were usually called dirty. Some say that they liked the feel of water. Whatever was their reason for bathing, at every opportunity the Indians used to leap into the water.

Marcello as a land owner met the fate of all the land owners in California after the Gringo came. He always claimed that while drunk in San Jose he was cheated of his land by a man named Hoppe, who in the early 50's was killed when the steamer Jennie Lind exploded while on its way from Alviso to San Francisco. Marcello was

bitter over the loss of his property. Later the ranch passed in succession to A. C. Erkson, Messrs. Metcalf and Brokaw and Mr. Fenton. These men felt that Marcello had been unjustly treated, and so, they not only allowed him to live in his rancheria, but they supplied him with food.

Fifty or 60 years ago every one in San Jose and Santa Clara knew Marcello. He had the communistic spirit of his race; whenever he found food he took it, but he never begged. He ate well and heartily as his right. The Spanish Californians did not object. Perhaps they recalled that the Indians were the dispossessed. Or perhaps the Spanish Californians were haunted by the dread of their own approaching dispossession by a race fitter to survive in a commercial age.

Marcello knew his friends. When he needed food he found plenty at certain stores. Mr. John Fatjo of Santa Clara, recalls that when he was a lad many years ago Marcello used to come to the fatjo store, where he got supplies. In payment for food the Indian gave the merchant's son bows and arrows. The little boy often wondered what there was in his father's store so precious as bows and arrows.

When a very old man Marcello died at his old rancheria. At the time the ranch was owned by Mr. Fenton. Mr. Fenton wished to pay the funeral expenses, but the fathers at Santa Clara claimed that pleasure. They insisted also that Marcello should rest in the cemetery near the mission where he had served.

The Fenton ranch is now called the Indian Mound Farm. It was sold to the Mauvais family of San Jose.

212. FIRST BLACKSMITHS

The first American blacksmith to arrive in San Jose was Hiram Miller, who came from Springfield, Ill. He was in the great caravan that crossed the plains in 1846. By not taking the Hastings cut-off, which was the new short way to California traversed by James Frazier Reed and the Donners, he arrived in safety. Miller was one of those brawny, courageous men who went on the second relief expedition to the Donner party. He accompanied James Frazier Reed, and without Miller's strength Reed, two of his children, the Breens and several others would have perished at Starved Camp.

After the Reeds arrived in San Jose in 1847 and temporarily occupied a little adobe house in Market st., nearly opposite Post, rented by them of Peter Davidson. Near by was the shop of Miller.

To Miller, James F. Reed went when he desired to have tested the gold sent out in a buckskin pouch by an Indian messenger from Capt. Sutter. Reed had met Capt. Sutter several times when he came into California to get relief for the Donner party, and so, to him Capt. Sutter wrote to find out whether this glittering yellow stuff being taken from the ground was really gold. He asked Reed to have a test made.

Reed gave the gold to Hiram Miller, who put it in an army lantern and placed it in his forge in the blacksmith shop. Miller reported that in his opinion the metal was gold. This report was largely responsible for the rush from San Jose to the gold fields. In fact, Miller himself went with Reed and Dr. Corey.

Later Hiram Miller and his brother, Jake, had a black-

smith shop in First st., near the present site of the Victory theater. The Miller boys were full of high spirits and were the perpetrators of many practical jokes.

Once Hiram Miller tied several small dogs to a rope and led them into the butcher shop owned by Mr. Flickinger. The shop was filled with customers, and Miller gravely pretended that he was delivering the dogs for sausages.

Hiram Miller knew the Donners in Springfield, Ill., and the ties between him and the family were strengthened by the experience in the snow. When the George Donners were found to have perished in the mountains, Miller became the guardian of the Donner children. Among them was Mrs. Houghton of Los Angeles who wrote a book on the Donner party.

Hiram Miller did not live to be old. At one time smallpox raged furiously in Sacramento. He was warned against exposing himself to the disease, but the big blacksmith who had braved death on the plains and again in the snows which carried off 40 of the members of the Donner party, laughed at what he called "baby measles." However as the result of "baby measles" Miller became paralyzed and a few years later he died.

213. SAN JOSE IN EARLY FIFTIES

In the early 50's the Normal School square was a marsh. Mrs. Soto, one of the old Spanish ladies, told me of there wading and catching fish. At the corner of Market and Santa Clara, opposite the Hoppe's store, was a pond, called "Hoppe's pond." There was a good bridge in 1850 in Santa Clara st., across to the Gaudalupe, but over Los Gatos creek there was only a plank. No streets were graded. In

1850 there were only a few board sidewalks.

Market st., and Lighston alley are survivals of the Spanish days. First st. was the first street laid out by Americans. On the southeast corner of San Fernando and Second sts. was the Good Cheer House. Back of the Good Cheer House was the jail. The Mansion House, the first hotel, was owned by Abe Beatty. It stood in First st. near the site of the Eagle hall building. The earliest drug store was La Botica del Pueblo, now owned by Fisher & Pellarano, in First st. First it was owned by Domenico da Vini and stood in Market st., where is now the Genoa hotel. Da Vini was also a doctor. Later the Fisher & Pellarano drug store was moved to a site north of the Rea building.

Jackson Lewis was the first jeweler. He married Elizabeth Branhan, daughter of Capt. Isaac Branhan. Dr. Benjamin Corey was the first physician. He came in 1847. Dr. Isbel came in 1846 to Santa Clara and had some patients here in San Jose.

The Auzerais brothers, who owned La Mariposa (the butterfly) store, where the choicest foods could be obtained, made the largest fortune ever accumulated in the early days by a merchant. The Auzerais building is the result of that fortune. A la Mariposa was in Market st., near the telephone building, south of the City Store. The name came from the Spanish restaurant which had formerly occupied the building. The Auzerais bought the restaurant and started the store. The name of the restaurant remained attached to the store.

On the site of Spring's store was a two-story adobe building owned by J. D. Hoppe, who was blown up when the Jenny Lind exploded. Hoppe was a merchant prince of his time. He imported \$80,000 worth of goods. The Hoppes lived upstairs in the building.

The principal merchants of the early days were Frank Lighston, Charles M. Weber and James Stokes. After Hoppe died Lewis Corey took over the business. He kept all kinds of clothing and supplies. Merchants' stocks of goods depended greatly upon the arrival of sailing vessels in San Francisco.

Few Americans were engaged in mercantile pursuits. Trading was mostly in the hands of foreigners, French and Italians. Jean Le Sieur had a French bakery, the first bakery in town. He was called Don Juan el Panadero. The Eldorado bakery is a continuation of the first bakery. On the site of the Bank of San Jose was a butcher shop. Early butchers were David and James Leddy and Mr. Flickinger.

At the northwest corner of Santa Clara and Market sts. supplies were sold by Baudino and Orosco. Next to them were Gotusso and Benrenuto, who also sold everything from sugar to nails. Another general supply store adjoined them and was kept by B. Solari. In the early 50's Frenchman, named Chatel, had a restaurant on the site of the Home Union.

During the days when mining was at its height Josiah Belden kept a small store where the Spanish Californians came to trade and brought their sacks of gold. They had confidence in him and often they gave him their sacks of gold and never asked to have them returned. Belden became very wealthy.

214. FIRST HOUSES

PART I

One of the first frame houses in San Jose was built in 1847 by Don Pedro Regelado Chaboya on the Rancho de la Posa de San Juan Bautista.

Today the house stands on the Tully rd. not far from

Oak Hill cemetery only a few rods from the car track. It is some distance from the road on the right, and is surset out by Don Pedro in 1847. Unless you look hard you are likely to miss the half hidden house. The state highway used to pass directly before Don Pedro's residence, but the highway moved farther to the south and left the house standing facing the railway track, its side to the Tully rd.

The old house is now owned and occupied by Mrs. Louisa Long, daughter of Don Pedro Chaboya. Mrs. Long's mother was Miss Gertrude Ortega, daughter of Ignacio Ortega of Gilroy, who had a Spanish grant 33 miles square. John Gilroy, for whom Gilroy was named, was uncle to Mrs. Long. Gilroy's name was really Cameron. He changed it when he left his ship and came to California. Although Mrs. Long's grandfather, Ortega, had one of the largest ranches ever known in California, and her father's own grant was six miles square, all that remains to her are two and a half acres of land on which now stands this old frame house.

Mrs. Long is over 70 years of age. She hasn't a gray hair and her dark eyes are still brilliant.

She has a trim, neat figure, and energy that keeps her house and garden in delightful order.

She received me on the steps of the old green shuttered house which is still good for 30 or 40 years. It is the usual residence of the well-to-do New Englander, but doubtless in 1847 to the Chaboyas it had the same exotic charm which Spanish houses today possess for Californians.

"My father had a very hard time to build this house," said Mrs. Long, who speaks English fluently, but with an intonation

betraying Spanish as her mother tongue. "Lumber all came around the Horn. My father brought it bit by bit from San Francisco. The house was built by a Spanish carpenter named Sunol, no relative to Don Antonio Sunol. It took a long time."

Mrs. Long then pointed out where the old adobe Chaboya ranch buildings had stood in the field opposite where since has been planted an orchard. Nothing remains of the house, the log corral, the lime kiln, the soap factory, the saddlery, the blacksmith shop which made up the buildings of the Rancho de la Pose de San Jean Bauista. The new frame house was placed on ground several feet higher than the original site of the ranch buildings.

Mrs. Long has been more fortunate than most Spanish people in retaining mementoes of the old days. She has lacquered trunks and boxes, a plaid silk dress, and one of the first pianos that ever came to San Jose. It arrived in the 50's, but its tone is still sweet. Its case is mahogany, and it cost a thousand dollars. It bears the name of its manufacturer, "Collard & Collard, late Clementi, Collard & Collard, London."

Mrs. Long's old photograph album contains pictures of persons famous in the Golden Age of the Dons. There is Josefa Pico, one of the belles of Long ago. She was the daughter of Don Mariano Pico. The Picos lived on the site of the postoffice. Josefa Pico had a piquant, coquettish face. The carefully waved hair, the angle at which the toque is worn, the elaborately trimmed gown, the jewels, the bow, all show her to have been the woman of fashion of her time. Then there is Mercedes Ortega, aunt of Mrs. Long, who married a Castro of Monterey. Mrs. Ortega de Castro was a severe commanding Roman matron,

born more than a hundred years ago at the Rancho San Ysidro near Gilroy. She was the mother of 25 children. Four of them were twins. There is a photograph of Mrs. Arguello, a strong capable woman, grandmother of Concepcion Arguello of Santa Clara, and mother of Don Luis.

Among the interesting documents possessed by Mrs. Long is a copy of the baptismal certificate of her father, Don Pedro Chaboya. He was the son of Marcos Chaboya who came to San Jose in the latter part of the 18th century and married Teresa Bernal. At one time he was the juez or judge of the pueblo, and he was one of the founders of St. Joseph's church. Marcos Chaboya's house stood on the site of the Auzeais building today. Don Pedro was baptized May 23, 1790, at the Mission Dolores, San Francisco. The baptismal certificate reads as follows:

"Dia 23 de Mayo de 1790, en la Iglesia de estra Mission de N. S. P., San Francisco, bautize solemnemente a un nino de dos dias de nacido, a quien puse por nombre Pedro Regelado, higo legitimo del cabo de escaudra de la escolta del Real Presidio, Marcos Chaboya y de Teresa Bernal; fueron sus padrinos el alferez Don Ramon Lazo de la Vega y Certrudis Higuera, muger de soldado Manuel Boronda, a quienes avise lo acostumbrado; y para que consta lo firme.

FRAY DIEGO GARCIA."

215. FREMONT AT THE CHABOYA RANCH

The Chaboya ranch has seen many stirring events, Here Gen. Fremont stopped on his first expedition to California in 1846. Wherever Gen. Fremont stopped the air still echoes with his deeds. In 1846 Don Pedro Chaboya supplied San Jose with milk. Fremont was on his way north from Monterey. His post was at the ranch owned by the

Fishers at Coyote, Laguna Seca. He wanted food for his forces. He sent a messenger ahead to demand supplies of the Chaboyas.

"My father was absent at the time," said Mrs. Long, daughter of Don Pedro, who still owns the old Chaboya home on the Tully rd. "My mother and the children were in the house alone. A soldier rode up and demanded cattle. The foreman refused to give them. The foreman refused to give them. The soldier clubbed the foreman over the head and made his face bleed. This frightened my mother. She took her youngest child and ran screaming from the house. She hid all day in the tules. The low land about here has been filled in but it used to be covered with tules. My mother went nearly insane because she heard the sound of firing; she didn't know what was happening.

"Captain Fremont came to the ranch and demanded cattle. He and his men began shooting our best dairy cows. He shot 60. He took flour, corn, wheat, wine, grapes, everything he wanted. My father came home and Captain Fremont promised to pay \$8700 for what he had taken. He gave my father a contract to that effect. My father thought the United States government would pay.

"Years later when we needed money we sent our original contract to Washington, but we kept a copy. Both the original and the copy were lost by congressmen. We think the original is filed somewhere in Washington, but we have no money to locate it with. And so the Fremont claim has gone with the rest of the ranch. Spanish people in California are unlucky," said Mrs. Long. We were standing on the porch of the ranch. She pointed to the lot facing it. A little to the north in the center of the orchard rose an oak tree. "over there by the oak was the corral. That was where he killed the 60 cows."

216. SAN JOSE'S GREATEST ARCHITECT

Mr. Levi A. Goodrich superintended the erection of most of the public buildings in San Jose. Mr Goodrich was born in New York City in 1822. He was an orphan and was brought up by relatives in Stockbridge, Mass. He was apprenticed as a carpenter. When he grew up he became associated with his cousin Horace Goodrich who was a builder.

Stockbridge was the home of Miss Catherine Sedgwick, the authoress. Miss Sedgwick went to Europe where she saw a bow window. Common as bow windows later became, popular and unpopular as they proved to be, at that time no one in America had a bow window. Miss Sedwick determined that she would possess one. To the superintendent of the work on which young Goodrich was engaged she described what she had seen in Europe. The man tried to make a drawing but he could not please Miss Sedgwick.

Young Goodrich heard the discussion of the older men, and one day he went to his cousin and said: "I think a mistake was made here. This is the way the window should be made."

"If you could make a bow window it would be a great feather in your cap," replied Goodrich.

"I think I can," answered the boy.

Miss Sedgwick was delighted to find someone ready to help. She gave him ideas. Young Goodrich drew plans. These plans made his career. At the time of his death they were in his possession. They were the plans of the first American bow window.

"Nature intended you for an architect," exclaimed Miss Sedgwick when she saw the plans. "Make architecture your life work."

The authoress gave the boy a letter of introduction to

Mr. R. G. Hatfield, of New York, the architect, who took him into his office and developed him.

In 1849 young Goodrich saw fortune beckoning him from California, and he followed her summons. With him he brought building material which he sold immediately in San Francisco. Even before he left the vessel he began drawing plans for a three-story building. It was afterwards erected at the corner of Washington and Kearney Streets in San Francisco. It was the first work of a professional architect in California.

At that time San Jose was the capitol of California and it seemed probable that much work would be needed here. Young goodrich came to San Jose by way of Alviso in 1859. His first work was to build a house at Santa Clara and Lightston. Then he erected the Hoppe adobe at Market and Santa Clara Streets. Among his work was the First Presbyterian Church, part of the convent, the Knox Block, the Court House, the jail, a public school building, the Bank of San Jose Building. The Normal School and the University of the Pacific.

Several times he went to Europe to study. Twice he married. His first wife was Julia Peck of San Jose. The late Mr. E. B. Goodrich was the child of that union. Mr. E. B. Goodrich was killed a few years ago in a street car accident near Alum Rock. For a second wife Mr. Levi Goodrich married the widow of Dr. Knox, Mrs. Sarah Knox who was so prominently identified with suffrage and many public questions.

In 1870 Mr. Goodrich discovered near the New Almaden mine the Goodrich quarries which produced a sandstone of rich color. From

this sandstone was built the State Normal School, Lick Observatory, the new City Hall, part of the Notre Dame, a number of public buildings in San Francisco and Stanford University.

In 1887 Mr. Goodrich died in the Horton House at San diego whither he had gone with his wife for a holiday.

217. MAGNETIC TELEGRAPH

Miss Norma Ryland has one of the first telegrams received in San Jose. It was given her by her father, the late Judge C. T. Ryland. It looks like a quaint little letter.

In the issue of the Visitor published June 27, 1851, I found first mention made of a possible telegraph line.

"Magnetic Telegraph has been agitated in this part of the country and the feasibility of the plan to connect a line between here and San Francisco, and also between here and the mines, via Stockton and Sacramento City, has been discussed and by men of good judgment. The conclusion has been arrived at that the project of magnetic telegraph is not only feasible but is certain of paying the stockholders a higher percentage than almost any other business in which they would make an investment."

In the Register published September 22, 1858, I found recorded the great progress of magnetic telegraph.

"The telegraph poles are erected between San Francisco and San Jose. The poles have a narrow board about three feet long fastened to them at the top so that they present the appearance of a cross. They are the objects of wonder and admiration of the Spanish Californians.

"Look, said a pious senor, at those holy crosses. We

We all thought the Americans were a lot of heretics, but they are more Christian than we, for they have set up crosses all the way from San Francisco to San Jose so that the devil can't get into our city."

Under the head, "Vandalism" I found published October the 6th, 1853, in the Register the following:

"We were much surprised when passing through The Alameda a few days since to see that some person or persons had wantonly and barbarously disfigured the fine old trees bordering that avenue, by loping off many of their larger limbs. Indeed some of their tops were completely cut away. Upon inquiry we learned that this act of vandalism had been committed by the persons having charge of the erection of the telegraph poles. It was unnecessary, as by setting the poles a few feet farther from the trees, the wire would not be interfered with by the limbs. The handsome avenue is justly the pride of our county, and laws should be passed prohibiting under a severe penalty the destruction or disfiguring of the trees."

At last the "magnetic telegraph" line was complete. The event was not flared forth in startling headlines. In vain I looked long for an announcement of completion of the enterprise. Finally, at the bottom of the fourth column of the Register, I found the following published October 6, 1853.

"The telegraph wires are now up between this place and San Francisco, and operating finely. On yesterday, we were informed by our friend Lighston that an old Spanish Californian was waiting patiently to see the mail bags pass along the wires."

The first time telegraphic dispatches for publication

were sent over the wire from San Francisco to San Jose was October 13, 1853. The Register recorded it as follows:

"San Francisco,

October 12, 1853.

"The Pacific Mail steamer Oregon arrived this morning bringing 15 days' later advices from New York. She brings 350 passengers, all well. There were no deaths on the trip. She was detained eight days at Panama by the loss of the steamer Georgia. She went down in Norfolk Bay.

"The yellow fever still continues its ravages at New Orleans, though the number of deaths was considerable less than at last accounts. Colonel Fremont passed through Louisville on the 20th ult. on his way to St. Louis, thence on an exploring expedition for the Pacific Railroad. Gold has been discovered in the streets of Panama. Several persons were engaged in washing. The Isthmus is healthy. Don Carlos T. Denman has been recognized as American Consul at Acapulco at Santa Ana."

Then the editor added: "The news from the northern states is of very little interest. We return thanks to Mr. Hewing, agent for the telegraphic dispatches."

218. MRS. CHABOYA'S METATE

At the old Chaboya Ranch, Yerba Buena, near Evergreen, I found an unexpected bit of long gone Spanish California. The late Mrs. Umacina de Narvaez Chaboya, wife of Ramon Chaboya, ground on a metate her own pinole and her own tamale flour.

"Tamales don't taste right unless I make the flour myself." said Mrs. Chaboya. "Come out on the back porch and see my flour mill."

Mrs. Chaboya's flour mill was a stone metate about 100 years old. It is about two and a half feet long and one foot wide. Its surface is rough and perforated. On this metate, with a round grinder about nine inches long Mrs. Chaboya crushed corn into flour. With use and time the surface of the metate becomes too smooth to work effectively, and then it is perforated with a pick as it was originally done by the Mexican Indians who manufactured it. Mrs. Chaboya's flour mill was a present from her mother, Mrs. Dolores de Narvaez, who long used it at the old Narvaez Rancho San Juan Bautista, on the Almaden Road. Mrs. Narvaez also left her daughter a handsome old cerise embroidered shawl, which about a century ago came to the family from China by way of Mexico.

After I had eaten Mrs. Chaboya's pinole, a delicious corn flour, seasoned with sugar, a most wholesome breakfast food when taken with milk, I was doubly curious to learn her process of milling.

Many Spaniards make pinole of the kernels of popcorn that do not crack open, but Mrs. Chaboya used yellow corn baked in the oven till it is brown like coffee and ground as fine. First she rolled the corn on the metate. She said that pinole is most strengthening, and has always been used by Spanish people when afflicted with tuberculosis.

Mrs. Chaboya gave me her recipe for making tamales. This process is far more complicated than the manufacture of pinole. The first step in making tamale flour is to boil the corn for an hour in lime and water. When cold it is washed, and the skin easily peels leaving only the white corn. This is ground fine on the metate.

Meanwhile Mrs. Chaboya had boiled her chicken or beef. From the kettle she took the juice of the fat meat and mixed it with tamale flour and chile pepper. Then she put the meat in flour on the corn husks,

219. LETTERS OF 1851

Mrs. William A. Beasly, wife of Judge Beasly, who is still considered a San Josean, has interesting mementoes of pioneer days. They came to her from her grandmother, wife of Captain Henry McKee, who in 1850 brought round The Horn a sailing vessel. For several years Captain McKee traded along this Coast and went as far south as Valpariso.

The McKee family is well known in San Jose where it has many branches. The late Josiah Belden was a cousin of Captain McKee. A son was the late Joseph McKee, who with Fred Stocking in 1851 had a ranch at the beginning of McKee's Road. Joseph McKee's daughter is Mrs. H. C. Coykendall. In 1851 Captain McKee often carried from Alviso to San Francisco, produce from the McKee-Stockton ranch.

In a letter dated March 31, 1951, and written from Mc- and Stocking's Rancho, San Jose, Captain McKee wrote his wife, then living in Upper Middletown, Conn., telling her of the alluring prices obtained by him in San Francisco for Henry's ranch products.

"I took to San Francisco with me a sow and five pigs. I was offered for them on my way up \$175, the whole of them not weighing more than 125 or 130 pounds. There was a man here the other day who paid \$225 for two ordinary sows. Pigs that weigh 25 or 30 pounds sell for \$50. Hens are worth \$4 each, eggs \$2 a dozen milk 37 1/2 cents a quart."

Captain McKeen went to San Francisco and April 7, 1851, in a letter to his son, John Culbert McKee, he described the beginning of San Francisco when the bay came up to Montgomery Street and ships were used as shops, stores and boarding houses.

"There was a heavy gale here a few days ago, and an old ship near by that has all her masts off and a house built on her and is used as a store and a boarding house and washing establishment, was blown over on her side. She was full of goods, clothes and cooking utensils, men and women helter skelter all in a heap. The next morning they had to get lighters and cut a hole through the roof to get the goods out. A good many of them were wet and spoiled. There were about twenty people on board at the time, but they all got safely out.

"There are a good many old ships fixed in that way. They put empty casks under them at low water, and when the tide rises it lifts them up and then they haul them as far up in the mud as they can and then build wharves around them. Some of them are way up in the town, They are building the town over the water. A road runs over the middle of our vessel where it was all water when I was here before. The vessel is now lying in the corner of the street, and I expect if I stay here much longer they will be building round her, and I shall be in a pretty fix, shan't I?

"They drive poles 20 or 30 feet in the mud, then they lay timbers on top of them, and build houses, streets, wharves and stores. Some of the buildings are about a quarter of a mile from the shore, or where the shore was. They are all the time building. I don't know how much further they are going, but they have got

streets laid out as far again as they have built. I expect in a short time there will be stores and streets built a long way outside where my vessel now lies. At high tide I can take my boat and go all around under the buildings. You would think it funny to see boats going under the buildings up into the town."

Mrs. Beasly also has her grandfather's license to sail a ship. It was issued December 21, 1819, in Newberry, N. C. It shows that Captain McKee was born in 1802. Mrs. Beasly has some interesting portraits of Captain and Mrs. McKee more than eighty years old and some beautiful solid brass andirons brought by her grandmother around The Horn. The andirons are almost a century old.

Captain McKee liked California so much that he bought a house in San Jose and sent for his wife and children. When Mrs. McKee arrived she found herself a widow and her children orphans. Captain McKee had been dead two months. Already Mrs. McKee's daughter had married E. J. Wilcox, and so, the widow, was not altogether alone. Bravely, like many pioneer women, she went on with the struggle of training her children. When all were married or settled in life she became the wife of Mr. Leavenworth, who was a county official. Three of Mrs. McKee's children were Mrs. D. J. Porter, Mrs. May K. Lewis and Mrs. Isabella Bothwell.

220. INTRODUCTION OF GAS

Coal for the first gas plant arrived on a horse's back in San Jose. It was brought during a flood by James Hagan. The late Charles E. Wade saw it arrive. Mr. Wade and his brother Harry were helping some strangers make their way from Alviso to San Jose on horse back in water almost knee deep. On one of these journeys

Mr. Wade told me, that he saw James Hagan, carrying two sacks of coal on a horse's back, The coal had come by steamer, and in those times coal was almost as precious as gold.

Before he came to San Jose Hagan had worked in San Francisco for J. K. Prior and Peter Dohahue. They had financed Hagan when he had his partner installed the first gas works in the old Metropolitan Theater in Montgomery Street in that city. Hagan was a practical plumber. Prior and Donahue were backing him when he started the first gas works in San Jose at the corner of Third and San Fernando Streets.

In October, 1860, he was granted a franchise by the Common Council. In the same month the gas company was incorporated by James Hagan, James K. Prior and Thomas Anderson. Mains and pipes were first laid October 24, 1860, from the gas works along Third and San Fernando Streets and from there to First and Santa Clara, and then North and South on Market. Gas light was first introduced at A. Beatty's Mansion House which was beautiful on the occasion, Gas light seemed to have all the radiance of both sun and moon light.

On January 21, 1861, houses were lighted at \$10 a 1000 feet. The inhabitants of those 81 houses virtually made up the blue book of San Jose. In 1862 streets were lighted and the company extended its mains to the town of Santa Clara.

Hall reports that in 1870 the amount of gas consumed in the city required 474 tons of coal. There were 285 consumers and 41 street lamps. A picturesque figure of later times was Charles M. Shortridge who use to dash about the streets on horse back lighting the lamps.

In 1875 the 15 years privilege originally granted to the

gas company by the Common Council expired. In 1873 the privilege was granted to a new company called the Garden City Gas Company to make gas by a new system known as the "low process" or water gas. Large works were erected on San Augustine Street. The Garden City Company had gas ready for consumers on June 17, 1878.

There was keen competition between the two companies which resulted in Mr. Hagan having a fist fight with one of the officers of the rival concern. The rival company was trying to disconnect Hagan's pipes and make them carry the gas by the new concern. Competition extended to prices and gas went down to \$1.50 a thousand cubic feet.

The Garden City Company did not long survive. In less than a year the plant was sold to the original company in San Jose.

In the early days among the leading men of the company were James Hagan, C. T. Ryland and Charles N. S. Felton.

When Mr. Hagan died he left only one child, Mary. She married Charles Quilty who built the Park stables. An adopted son of Mr. Hagan was Charles Hagan. Both Mrs. Quilty and Charles Hagan are dead.

222. FIRST FURNITURE MANUFACTURER

Bill York, the carpenter and mechanical genius, was the first manufacturer of furniture in Santa Clara County. His factory was at Congress Springs, near Saratoga. In early life in San Jose he had an unhappy love affair and his days closed in tragedy. Bill York was a Wisconsin man of a well-to-do family. In 1846 he crossed the plains from Missouri with the party of William Whiteman, With him were the Cross boys, also carpenters, with whom he was long as-

sociated in enterprises. The Crosses were from Scotland. George Cross drove the Whitemans' large ox team across the plains. Bill York drove the small team. John Cross came at the same time with a Frenchman named Lion.

At Johnson's Ranch, near Sacramento, the party was met by Fremont who drafted all the men with the exception of the aged "Grandpa" Pyle, a Revolutionary soldier, and William Whiteman. All the men served with Fremont in the south and then returned to San Jose.

In 1848 Bill York and the Cross boys aided William Whiteman in building the first frame house in San Jose. Bill York and the Crosses went into the Saratoga country and with a cross cut saw got out the lumber and shingles for the house and brought them with ox teams to San Jose. At this time Bill York and the Cross boys lived at the Whiteman and Mrs. Whiteman, who was a good motherly woman, made them trousers and coats because there were no tailors. The house stood till it was taken down in 1877. Then the timbers were found to be in fine condition. They were used to fence the Whiteman lot.

After the house was finished Mr. Whiteman and Bill York went to the mines. Mr. Whiteman was drowned in crossing the San Joaquin river. Bill York went to the Calaveras mines and earned a good sum of money. When he returned to San Jose he made a number of investments. He became engaged to a girl and for his promised bride built a house in William Street. The young couple quarreled and he said he would never marry. He kept his word.

While in the Saratoga redwoods preparing the lumber for the Whiteman house Bill York conceived the idea of establishing a furniture factory and manufacturing redwood and madrono furniture.

He was one of the first to perceive the beauty of redwood and madrono. He had wonderful mechanical skill. He made side combs out of cow's horns and dominos out of bones. Had there been for it a market he could have made furniture of finest finish, but he made only what suited the primitive needs of the community.

It was no small thing to establish a furniture factory in 1851 and 1852. Machinery was almost impossible to find and Bill York bought some of it in San Francisco. Some parts he had imported from as far as Chile. It took nearly two years to get the factory in order.

Meanwhile George Cross married Miss Freer, and Bill York and the Cross boys built a house near where the factory stood in what is now the upper end of the picnic ground, so popular at Congress Springs. In this house they all lived. It was only a crude forest house, but Mrs. McCracken, who saw it, told me that it had the first folding doors ever seen by her in California. Even in the early fifties Bill York had ideas of bringing the outdoors into the house. He made the entire side of this mountain house adjustable. In the summer the open doors were rolled back and the occupants had an out of doors dining room after the fashion of today.

The first furniture that came from the York factory was greatly admired. Many in San Jose bought it. York made dressing tables of curly redwood, and polished them highly. Mrs. William Whiteman used to have one. He made a four-post madrono bedstead for Mrs. Whiteman which is still in existence at Hollister. Ropes were used instead of mattresses. The bed belongs to Mr. Best, a cousin of Mrs. Elizabeth McCracken. Bill York used considerable sycamore

in making furniture. The factory was not a success after the novelty wore off.

Early in the fifties Bill York discovered the famous Congress Springs at Saratoga. Later they came into his possession.

In middle age Bill York took to drink. In the sixties some of his Wisconsin relatives died and left him a comfortable fortune. His friends endeavored to straighten him up from a debauch so that he could go back to get his fortune. They took him to a ranch in the San Felipe Valley, where he was watched day and night. Despite their vigilance he was one morning missing. Five days they searched the mountains for him. Finally they found him half naked lying dead on a pile of leaves where he had tried to rest.

Bill York had the habit of burying his money and some of his friends think that he buried some jewelry and eight or ten thousand dollars near Congress Springs. The money was missing after his death and it has never been found.

221. OLD HOTELS

The late Mrs. Elizabeth McCracken, who arrived in San Jose in 1846, said that when she and her family with the Pyle and Whiteman party camped on the banks of the Guadalupe, the only hotel in town was a fonda or saloon in Lighston Street. This was kept by a Spaniard. In 1847 Zachariah Jones was the first American to take boarders. He had the Half Moon House, which was in an adobe building in the East side of Market Square, near San Antonio Street. Later Mr. Jones built a saw mill near Los Gatos.

Two other hotels came into existence about the same time. One was the City Hotel kept by Peter Quivey, but when the gold rush

came the inn was called the Miners' Hotel. This hotel was in First Street, between Santa Clara and St. John.

The United States Hotel stood in San Pedro Street. Its proprietor was Mr. Shereback, who in 1850 was town councilman. He had a handsome brick house, near where now is the Vendome Hotel. The bricks alone of the house cost about \$50,000. Shereback later moved to San Francisco.

In 1849 and 1850 Uncle Isaac Branham had a boarding house or hotel in First Street. In the early days Mr. Branham was famous for his love of hounds. He tramped across the plains with one of the biggest packs that ever came to San Jose. In the fifties there arrived in San Jose a man named Bailey, who afterwards lived near the New Almaden mine. Mr. Bailey camped in town and Mr. Branham was so delighted with the hounds brought by Bailey that in order to possess one he gave him in exchange for one hound his hotel.

The winter that the legislature was in session one of the most famous boarding houses in San Jose, "Slap Jack Hall," came into existence. Its owner was Grandma Bascome, for whose husband Bascome Avenue was named. Grandma Bascome was a woman of much originality and daring, and she had most of the important men in town washing dishes in her kitchen for the pleasure of hearing her talk.

In 1851 the Morgan House was built by the Messrs. Lee and McCune at the corner of First and San Fernando Streets, John R. Price was the proprietor. His daughter, Miss Sallie Price, was a great beauty and belle in her time.

In the sixties E. J. Wilcox bought the Morgan House and ran it as a temperance hotel. Gradually Mr. Wilcox turned the Morgan

House into an office building. When the railroad came from San Francisco and the stage lines vanished the hotel business no longer gave great profits and Mr. Wilcox changed the hotel into the Wilcox block.

During the early fifties there were many French and Italians in San Jose. In fact, most of the trading was done by foreigners. In 1854 the French Hotel was built on the West side of Market Street, near Eldorado Street by A. Chantelle. Here met the gamblers. Gambling was thought necessary to the happiness of the Spanish-Californians. It was forbidden in San Jose and the Spaniards made a great effort to have it legalized. They argued that money was going to Santa Clara and the Mission San Jose that ought to be kept here.

When the legislature opened in 1850 the principal hotel of San Jose was the City Hotel. It was situated on the West side of First Street, between Santa Clara and St. John Streets. It was a frame building one and a half stories high, Board and lodging were \$5 a day in gold. The hotel was so small that it could not accommodate more than a quarter of the guests. At night in the dining room and bar room boarders were stretched out, but no reduction in price was made. Dinner cost \$2 and beds, a cot or a blanket was \$2. Eggs cost 50 cents each. Vegetables were scarce. Onions were 25 or 50 cents each. Later the City Hotel became Appleton's, with E. G. Appleton as proprietor. Because it was at the end of the stage line its importance was considerable. On August 1, 1863, Appleton's burned.

Smaller hotels in the early fifties were the Star Fonda in Eldorado Street. It was kept by a Chilenian. The Bella Union was a sheet iron hotel and restaurant that came from the east. It

stood on the site of the present Auzerais block.

San Jose's first magnificent hotel was the Mansion House. When it was completed it caused a sensation. It cost \$100,000. Pictures of it are still in existence. It was two stories high and had adobe walls. A piazza was in front. In a rear wing was the dining room. The fire place was enormous. The andirons weighed 224 pounds.

The Mansion House stood in the East side of First Street, where was later erected the Music Hall building. It was built by Joseph Ruckle. Though the Mansion House was first used in 1850, it did not achieve real distinction until 1853, when Abe Beatty became its proprietor. His first meal was never forgotten. Beatty boasted that he paid 75 cents a pound for salmon, but nothing was too good for his guests. The Mansion House had many famous guests. In 1857 Horace Greeley spoke before it. In 1865 the Mansion House was destroyed by fire.

Judge John E. Richards has a most interesting relic of the Mansion House fire, the safe of Calvin Martin. Calvin Martin, one of the wealthy pioneers, had an office on the ground floor of the hotel. In his office was a safe containing \$140,000 worth of securities. The safe was about three feet square, and had for a lock one of the old herring-back day contrivances which was in a way a fore-runner of the Yale lock. The safe was never supposed to be burglar proof, but it was believed to be fireproof. Many were curious to know how the securities would come out of the safe, which lay in the smouldering fire for several days. Later great was the joy and surprise of all to find that the securities were intact.

In his old age Calvin Martin became bankrupt, and most of his fortune passed into the hands of the late James Phelan Sr. Just before death Calvin Martin sent for Judge Richards to ask him how to save the remnant of his fortune. Judge Richards drew his will and gave him counsel. For these services Martin gave him his safe. The Judge keeps it in his library, but he says that he always feels that he holds it in trust till the Pioneers or Native Sons ask for it for a memorial hall.

It has been said that all hotels are eventually burned, but the old Auzerais House escaped that fate. It was built by the Messrs' John and Edward Auzerais who made a fortune in the Mariposa store. The hotel has been transformed into the Auzerais building. When the Auzerais House opened it was the finest hotel in the State, though in the beginning it was not intended for a hotel, but for a store. Theodore Lenzen was the architect. It was three stories high, and made of brick and marble. It cost \$100,000 to build and \$50,000 to furnish. The rich black walnut marble top furniture came from Paris. Some of it is now in the office of Mr. John Auzerais.

The Auzerais House was kept by J. M. Staples and Sons. President Grant, President Hayes and General Sherman when they came to San Jose stopped there.

One of the most famous hotel keepers of the sixties was George Bromley, who in 1864, kept the Continental in Market Street. George Bromley was a brother of Isaac Bromley of the New York Tribune. The Bromleys were among the wittiest men in America. In his later years "Uncle George" was greatly beloved in the Bohemian club, San Francisco, where two generations paid court to his grace, his

charm and his kindliness.

In 1869 besides the Auzerais House, San Jose boasted of several good hotels, the New York Exchange, the National, the San Jose and the What Cheer.

224. MURIETTA IN SAN JOSE

Joaquin Murietta came many times to San Jose. Naturally he did not use his name when he visited town. One summer in the early fifties in a fandango house he was arrested for breach of peace. The magistrate not knowing who he was fined him \$12. He was placed in charge of Mr. Clark, deputy sheriff of Santa Clara County. Murietta asked the deputy to go with him to his residence in the outskirts of the town. He promised there to pay the fine. There Murietta stabbed the officer and escaped.

This is the only time that Murietta ever crossed the path of the officers in this county. As a general thing he was very discreet, only appearing when he wished to have a pleasant gambling game with Spanish-Californian friends. Usually he hid in the mountains and sent into the town for whisky.

However two men in the country a few miles out of town fell victims to Murietta. One was Joaquin Guerra and another was a Frenchman, who kept the Tivoli Gardens. Some major domos of ranches were secretly connected with the Murietta band and aided them. This often helped Murietta to escape detection.

Never in California has any bandit spread so great terror as Murietta. Savagery was in his depredations that was lacking in crimes of Vasquez. The name Joaquin became very terrible. Finally the Governor obtained from the legislature funds which en-

abled him to send out a posse to capture the man who spread dread. Harry Love, the Black Knight of the Seyante, was at its head. Love was paid -150 a month for three months, which was very cheap for a knight. The orders were to kill or capture Joaquin Murietta.

Harry Love was one of the most daring men in the State. He was a gunman who could kill anything that he could see. He organized a company of mounted rangers, the best gunmen in the State, and set out from San Jose on July 5, 1853, Near San Juan they camped for four or five days in order to get news of the bandit. Finally they found him in Cantua Canyon, which was a wild spot, where later hid Vasquez. Murietta tried to escape, but he finally turned and ran on several balls. He knew that his end had come.

"Don't shoot! The work is done!" And it was.

Strangely Murietta was beloved by many women. The more he slashed them with his knife the more devoted they were to him. One Marianna several years afterward, although at the time she bore a scar on her face from Murietta, spoke with tenderness of him. She would not believe he was dead. She declared that what was supposed to be his head and was exhibited in a San Francisco saloon in a bottle of alcohol along with the head of his partner. "Three Fingered Jack," belonged to Pedro Venda, an Indian. Always Marianna believed that Murietta was buried under a tree on the banks of the Cantua. Those who saw the head declared that the dead man was dark, while Joaquin Murietta was fair. Others argue that the dark discolored skin came from the exposure of the head before it was preserved. After the head caused its term of wonder in the saloon it was bought by Dr. Jordan and placed in his maseum. At the time of the earth-

quake it was burned. Joaquin Miller did not believe that Murietta was shot by Love. He named himself Joaquin for the bandit. Joaquin for the bandit. Joaquin Miller considered Murietta greatly wronged by the Americans.

Joaquin Murietta seemed to have a hatred of no one but Americans. He said, "I hate my enemies who are mostly Americans." By them he was killed. But many of his capters came to a violent end. Harry Love was shot in Santa Clara in 1868. Charles E. Blood- was killed in Snelling. James M. Norton was killed in Salt Lake. John Nuttall was killed in Nicaragua. John S. White was killed at Fort Tejon, Lafayette Black was killed in the Civil War. P. T. Herbert, afterwards Congressman, killed a negro in Washington. Other members of the possee were G. W. Evans, who died in Santa Cruz; Captain P. E. O'Connor who died in San Francisco; William Byrnes, who died in Stockton; Dr. D. S. Hollister, who died in San Jose; Robert McMasters, who died in Sacramento; George Nuttall, who died in Stockton; C. V. McGovern, W. H. Harvey, Colonel McLane, Willus Prescott, C. Young, E. B. Van Dorn and S. K. Piggott.

225. MURIETTA GAMBLING IN SAN JOSE

From the late Dr. Hume A. Spencer I heard how Joaquin Murietta once got into and out of a gambling game in San Jose. Dr. Spencer said that Murietta and his followers had a rendezvous on Black Mountain in the Mount Hamilton Range. In the early times Mount Hamilton was called Mount Isabel.

E. C. Munn, who used to travel about in the sixties buying cattle for his market, bore out Dr. Spencer's statement. He said that in those days Murietta and his comrades in crime camped near

what are now the springs of the water works. On that spot Mr. Munn and his friends found the remnant of a blacksmith shop, spurs and other indications that once this had been the hiding place of the great bandit.

Dr. Spencer said that Murietta had a wireless way of communicating with his friends in San Jose. When he wanted to find out whether it was safe for him to come into town to gamble with them and share the gaiety of the fandango he built a large bonfire on Black Mountain. If the coast was clear the San Joseans responded with a fire. Then Joaquin put spurs to his horse and dashed into Pueblo.

In the early fifties on the corner where now stands Springs' store was formerly the finest adobe building in town. Here was the place of business of J. D. Hoppe, who was killed in the explosion of the steamer Jennie Lind near Alviso. Mr. Hoppe lived upstairs in the building and his merchandise store was on the first floor. Here also was a gambling house.

Into this gambling house one evening in the early fifties there walked a stranger, a gentleman he seemed, with the grace and courtesy of old Spain, and the fair skin of a Castilian. He was invited to take a hand at one of the tables. Here were seated officers and constables. There was always a reward for the apprehension of Murietta, and naturally the conversation fell upon the chances of getting that reward. One boasted that he knew where was the highwayman. The stranger was not interested. Another declared that he would fetch the thief into town and see that he was hanged in the Plaza. The stranger was somewhat interested. Another declared that

he would bet his life that Murietta would die a coward. Drawing his six shooters from his belt, one in each hand, he leaped upon the table and shouted:

"Yo Soy Joaquin Murietta! Hunt your holes, you devils!"

All desire to meet Joaquin Murietta face to face vanished from the constables. Without argument or protest they hunted their holes. In a flash the room was vacated. The gold was to the stronger Murietta. In a second Murietta's horse leaped to the touch of his master's spurs, carrying him back to his comrades on Black Mountain.

226. OLD JAIL BREAKS

The late Dr. Hume A. Spencer, who came in 1852, had a vivid recollection of the jails of the early times and of some of several jail breaks of that period. In fact, Dr. Spencer participated in some of them as a spectator. Dr. Spencer said that the first jail of his memory was in the rear of the State House, opposite the plaza. It was in a long adobe that ran parallel with the building the length of the lot. The San Jose jail was not modern enough to have cells, and so prisoners were chained to a redwood log which had been buried in a deep trench. Often prisoners wore irons.

Indians especially were confined here, and when a citizen desired work done he engaged one of the prisoners at a dollar a day. The Indians were always glad to leave and work. Not that they ever saw any of the money. That was turned over to the city. Dr. Spencer said that Indian labor was most easily obtained. His father employed Indians to dig wells. His mother often had Indian workwomen from the Quivey place at Fourth and Julian streets. These Indians used to come with Chief Truckee, who guided the Quiveys over

the mountains. The red men grew so fond of the Quiveys that they every winter came to pass the season with them. Thereby they escaped the rigors of the mountain winter.

After the State House burned the second jail in town was in San Fernando Street between First and Second Streets. This jail was up to date. It was two stories high, with an office in the west end. Out of the office was a door leading into the tank. In that tank were three steel cells with a corridor around them so an officer could patrol them. There was also a place for an officer on top of the condemned cell. The scaffold was in the east end of the yard, with a 14-foot wall around it.

One of the first breaks from the jail occurred before the mortar was dry. Three men were confined there, but one man was lame because when captured he was shot by an officer. In a few days two of the men escaped from their cell by removing a corner of the brick wall. This was easy because the mortar was yet moist. Two of the prisoners fled from the jail, but the wounded man was left behind. The hole was repaired, but the escaped prisoners returned, again opened the wall and made off with the wounded prisoner.

Another jail break was when Sheriff Hendricks, son-in-law of Captain Adams, was killed by prisoners. After a terrible jail break of the fifties it was not thought wise for a sheriff to carry arms into a prison. In the jail were two indians and a San Jose boy named Jose Pinto. Sheriff Hendricks went into the jail to feed the prisoners. The Indians threw a bed cord around his neck. The sheriff had asthma and was hardly able to cope with them. The prisoners fled. In going through the office one of the Indians

grabbed a pistol. Hendricks got his breath, ran after the indians, and shot one through the groin. At Third and San Fernando Streets one of the Indians turned and shot Hendricks through the head scattering his brains on the sidewalk.

By this time all the town was on the heels of the refugees. One escaped. The wounded man ran under an unfinished house in South Third Street, between San Antonio and San Carlos. Taking refuge under the house only enabled those in pursuit to get better air. The Indian defied the pursuers. The citizens pried up the floor and pelted him with bullets. The Indian returned fire.

Then there was silence. No longer did the Indian return the fire. The officers went under the building, and dragged out the limp body. They carried the Indian on a spring wagon to the jail yard, followed by a mob howling, "Hang him." There he showed signs of reviving. Some thought that he was "playing dead," and one zealot for law and order suggested that the Indian be hanged, dead or alive.

This suggestion did not prevail, and the man was allowed peacefully to breathe his last without having a rope around his neck. The partner of his crime was arrested and hanged in Santa Clara in 1866.

228. ST. JAMES SQUARE

St. James Square had the same godfather as did Washington Square, United States Surveyor C. S. Lyman. He was brought here in 1848 to give a scientific and accurate survey of San Jose. He reserved a space 610 feet long and 550 feet wide and christened it St. James Square. One of the first improvements recorded in St. James

Square was a picket fence built in 1865 by order of the City Council. There was a gate on the side of the Court House and an artesian well near the gate.

Mrs. Grove C. de Zaldo, daughter of Robert Cadden Keys, and niece of Mrs. Frank Lewis and Mrs. John Murphy, has an interesting photograph showing St. James Park when the trees were small, but some good sized coniferous trees were in evidence. The picture shows that the Court House stood alone without the Hall of Justice. At the time the photograph was taken the park was enclosed by a picket fence.

During the Civil War a cavalry company of which the late A. R. Woodhams was a member used to drill in St. James Park. Often circuses pitched their tents near where now is the fountain. Gates school boys there played baseball.

Not much in those days was done to embellish St. James. Australian rye grass in the seventies was on the ground. The only trees were blue gums and sycamores. Many of the sycamores blew over.

In 1866 St. James was fenced. Judge Richards is authority for the statement that Frederick Olmstead, the distinguished landscape gardener, who laid out Central Park, New York, was brought here while a young unknown man, and he outlined St. James Square. Grass was planted, walks were laid out in 1868. There were several plantings of the square after the school house was recoved. So many shrubs were set out that after a time the park became a jungle. Many of them were transplanted to Alum Rock park.

R. Ulrich, the landscape gardener at the Hotel Del Monte, did the last planting in St. James about 1887 or 1888.

In St. James Square was the public school, Number Two, commonly called St. James school. It stood in the center of the square. One of the teachers of that school best recalled was A. D. Fuller. J. J. Bowen was another principal of the St. James school.

Mrs. Elliott Reed-Hayward is the only teacher of the old St. James school now in San Jose that I have been able to find. Mrs. Reed-Hayward talked with me recently about the days when she taught there. It was about 1868, and she was in the St. James school for a year or two. Hers was the primary department, and she had about 70 little children in her department between the ages of five and seven. The school house had only two rooms and two grades. In the other room was a higher grade taught by Miss Ellen Skinner, daughter of Judge Skinner, who lived near St. James park. Mrs. Skinner is now Mrs. Land of San Francisco. Mrs. Reed-Hayward was before her marriage Miss Mary Youngberger, daughter of John Youngberger, a San Jose merchant. Her first husband was Elliott Reed, brother of E. P. Reed. In the early days E. P. Reed was one of the important men in San Jose. He had a beautiful home in North San Pedro Street where now stands the Keystone Grocery warehouse.

229. WASHINGTON SQUARE

Among the parks of San Jose Washington Square is second in age, but it is so much younger than the plaza that it is the baby sister of the first park. Washington Square is the largest of the early parks. It was surveyed in 1847 by William Campbell and his brother Thomas, who first gave San Jose real streets, instead of crooked, quaint little paths. San Jose had been surveyed by the Spaniards about 40 years before, but not in a scientific manner.

When the Campbell brothers began work with their strange trembling needle the natives gathered and gazed with intense curiosity.

When the Campbells were employed they were engaged by the 12 leading citizens who had been named by Alcalde Burton to govern San Jose. They were Antonio Sunol, Jose Noriega, Feliz Buelna, Jose Fernandez, Dolores Pacheco, Salvador Castro, William Fisher, Isaac Branham, Captain Hanks, Charles White, J. W. Weeks and G. C. Cook. They decided that there should be a public square besides Market Plaza.

Another change was made in Washington Square the following year, when United States Surveyor C. S. Lyman came and re-surveyed the Campbell survey. He enlarged Washington Square to its present dimensions of 26 acres and christened it.

At the time when San Jose was named as the capital Washington Square was offered to the State as a site for the State House. Then it was not a lovely spot. It was used chiefly as a cowpasture, because, owing to its boggy soil, feed there remained long green. Dr. A. J. Spencer kept several cows, and he used to pasture them in Washington Square. Jeremiah Cleaves, the well-borer, tells me that he kept his cows there. Some of the pioneer ladies recall that in the fifties it was rather a fearful place for little girls to pass because they were afraid of cows. In 1850 an ordinance was passed directing that all cattle be slaughtered on Washington Square.

Old settlers tell me that Washington Square in the winter was only a duck pond. There was very good shooting. Some pioneers used to wade there. In the spring there was a refugee from the police used Washington Square as a hiding place. The soil was never very

rich because of the presence of too much alkali, When it was transformed into a park much good soil had to be carried there.

Washington Square has always housed schools. In 1857 a school building was built there. One was a primary school, fronting on San Carlos Street. In the early sixties the principal was Mrs. J. D. Hale. The teacher was Miss Eliza Scott, a niece of Dr. Cory. Miss Scott is now Mrs. E. C. Munn. Later another school building was built nearby. It was the grammar school. The principal of the Washington school was Mr. Reed, who afterwards moved to Oakland. Mrs. Munn says that no effort was made at that time to beautify Washington Square. It was the city dumping grounds. Here and there was a heap of tin cans or a box of bottles. When it rained the square was very muddy. In 1865 Washington Square was fenced. In 1866 Washington Square was improved by a circular road, upon which the city spent \$435. During the Civil War the square was used as a drill ground for the militia.

Even after the Normal School building was erected in Washington Square old students speak of its 26 acres as a dreary waste. It had only a few straggling trees and bushes. Instead of well laid out walks there was a net work of foot paths outlined by the whims of the feet of students.

In 1878 the first attempt was made to improve the grounds directly surrounding the building. Here were planted shrubbery and flowers. The shrubbery was given largely by the citizens of San Jose. However, this was destroyed by the great fire, and once more the square became a waste.

In 1881 the legislature made an appropriation of \$25,000

for improving and fencing Normal School Square. After advertising for plans the board accepted the plans of R. Ulrich, who laid out Market Plaza and St. James Square. Mr. Ulrich was the landscape gardener at the Hotel del Monte.

Since that time the greater part of the tuition fund has been expended in additional plantings of flowers, shrubs and trees and in keeping up the grounds. They are not only beautiful, but they serve as a field of research for the botanical and entomological classes.

Alum Rock Park has had many names. The Indians called it Shistuck. After the Spaniards came they named it Arroyo del Agua-je, which means the canyon of the spring. When the fathers arrived a portion of the creek in the valley between San Jose and Milpitas became known as Penetencia Creek. Mr. E. C. Munn told me that for this reason the entire canyon was called Penetencia Canyon. After the Americans came the park was commonly called "The City Reservation" but now all these names are forgotten and no one would dream of speaking of the wild canyon park as anything but Alum Rock Park.

As all San Joseans know, Alum Rock Park derives its name from monolith 200 feet high which stands about the center of the park as the point where Alum Rock Avenue reaches the creek in its descent into the canyon. This huge scarred rock is of volcanic origin. Double sulphates of aluminum and sodium enter largely into its composition and furnish the alum dust found along its crevices. From this alum dust the rock takes its name.

Many springs issue from the base and sides of this rock strongly impregnated with salt and other chemical properties. One

spring, labeled "salt condiment" is said to have properties that will cure dyspepsia.

Spanish settlers gave no thought to Alum Rock Park. It was merely a wild part of the four square leagues of pueblo lands that under a law of Philip the Second of Spain each pueblo was entitled to. The pueblo of San Jose, under Spanish and Mexican rule asserted no rights to the pueblo lands. In fact several times they were given to Spanish settlers by liberal alcaldes.

After American occupation this caused endless litigation. The ruling of the United States Court was that an alcalde had no more right to give away pueblo lands than a mayor would to present one of his friends or followers with St. James park. As a consequence of this decision many Spaniards who for years had thought themselves rich in pueblo lands, after the Americans came found themselves indigent.

After the decision of the upper court the pueblo of San Jose felt very rich with its leagues of land and in the early days the town was in a chronic need of money. So it was decided to sell the land and thereby obtain the ready money that was always scarce. Governor Burnett revoked the order prohibiting the sale of land and authorized the Ayuntamiento to allow the First Alcalde of San Jose to make a sale of "lots in the town of San Francisco."

The road was surveyed by Milner and J. D. Hoppe made public the sale and published the notice. Settlers rapidly took advantage of this and bought many acres of land at \$2.50 an acre. In fact it was all sold but Penetencia Canyon which was considered worthless. At one time Wolsey Shaw who had several hundred acres

of that property later the Country Club, had a location that covered entirely the park, but to his later regret he gave it up and chose land that was commonly considered more desirable for tilling.

After the mineral springs were discovered the canyon had a revaluation and Mr. Shaw set about trying to gain possession of the canyon. He sued for it and carried the suit to the Supreme Court where it was lost to Mr. Shaw, but saved to the city. This litigation woke the people to the realization of the value of Alum Rock Park, and led to its official survey in 1866. This survey caused the reservation of about 400 acres as a public park.

General Henry Morris Naglee was one of these instrumental in bringing about this legislation which passed the legislature in 1872. Others who fought for the park were George B. McKee, James A. Clayton, D. J. Porter and C. W. Pomeroy. Some people not realizing the value of a great natural park desired to sell it. By another act of the same year a Board of Commissioners was created for the control of the park and for the construction of a highway from it into the city of San Jose.

Until this time one who visited the park went by way of the Crothers property. Another road had been built by Mr. Shaw. The name of this new highway now bears the name Alum Rock Avenue and was laid out and constructed by the first board of Park Commissioners which was made up of General Naglee, Dr. A. J. Spencer and Edward McLaughlin. General Naglee was especially active in the work of building the highway. There was some talk of naming the street after him but this was abandoned. Although the general gave his time and supplied 2400 trees from his own nursery free of charge and watered

them with his own sprinkling cart his motives were impugned, and so, doubtless his pleasure in serving the city was somewhat marred.

The original survey of the park was about 400 acres. To this was added in 1872 a donation of several acres including "Buena Vista," an outlook of great beauty lying just south of the park proper. This gift was made by General Giles A. Smith, Cyrus Jones and Louis H. Hicks, who then owned a large tract of adjoining land. Since that time about 55 acres more have been added by subsequent purchases in order to control the streams and springs. The present area of the park is about 460 acres, and the distance from its center to San Jose is six miles.

The three natural features of the park that attract most attention are Eagle Rock, the Meteor and Inspiration Point. Eagle Rock rises abruptly several hundred feet above the floor of the park and derives its name from the fact that for years it was the home of eagles. Sweeping majestically through the air from the ragged crags the eagles were an inspiring sight. The Meteor, the scientists say, is in reality a black boulder of maganese. During the war the Meteor acquired great value, and it was sold, and taken away to make the alloy for big guns.

E. C. Munn who came here in the fifties and during the sixties used to buy cattle from the rancheros in the valley, told me that ever at that time the oldest Spanish inhabitants said that from the beginning of the memory of the Spanish-Californian, the boulder had been lying half-buried in the hillside where it once was. Nevertheless the Meteor was a most interesting natural curiosity. Inspiration Point overlooks this portion of the park, valley and bay.

Fishermen first found the falls or cascades in both forks of the creek. They are commonly spoken of as the Big Falls and the Little Falls. Hunters discovered the silver fox, coyotes and deer. Perhaps lovers discovered the poppy, the golden red, mariposa lilies. Indian pinks, Solomon's seal, bluebells, tulips, columbine and shooting stars.

Of the splendid natural park, one of the finest in California belonging to a city, 25 acres have been placed under cultivation. Here are lawns, a lake, driveways, gardens and restaurants. Every kind of wholesome amusement had been provided for both children and grown people. E. C. Munn, who for 28 years was superintendent of the park, told me that when he first went there the receipts were only \$1400, but in 1916 the revenue from the baths alone was more than \$7000. There are 20 springs in the park; three sulphur, one iron, one magnesia, two soda and several natural springs.

Mr. Munn talked very entertainingly of the park. Better than any one in San Jose he knows it, for there were passed 26 years of his life. All its human story is on the tip of his tongue.

Mr. Munn says that in the sixties the Spaniards used there to hunt bear. Picnics were held at the foot of the canyon. Fishing excursions often went up the creek. The first resident of the park was Barney Bute. About 1859 or 1860 he built a cabin there. As late as 1891 remnants of his cabin were still standing. In the park Barney lived alone chopping wood. After he built a road he hauled wood out of the canyon, but first he used to slide the wood down the hills in a chute.

During the Civil War, when Barney no longer lived there

his cabin was used as a rendezvous for stage robbers. From there they crossed the mountains to Livermore and the San Joaquin Valley.

During the Civil War Sheriff Adams made two or three raids on Barney's cabin and brought into the local jail men who there took refuge preparatory to robbing the New Almaden stage. It carried the wages of the miners and brought back flasks of quicksilver. Some of these misguided men were southern sympathizers who hoped to aid the confederacy.

230. LAWYERS OF FORTY-NINE

When the Americans came to California there arrived a new profession, that of the law. Under Spanish rule law was very simple. The Spanish-Californians had neither lawyers nor law books. They were governed mostly by traditions. When a new law was made it was called a "bando." A copy of it was sent to each alcalde. When a law arrived it was like a circus in town. The alcalde sent about the messenger with a snare drum summoning all the townfolk to his office. There, he read to the pueblo folk the new "bando." They listened, and it was all over.

When Micheltorena came he made the first effort to have laws printed in the government printing press. Until this time they were in manuscript form.

The alcalde was both lawyer and judge in the pueblo. He tried all cases. When a man came to him and told his troubles he summoned immediately the person complained of. The three talked it over and settled the case. Seldom was there perjury. Almost invariably was there an agreement. When the case was very important two or three prominent citizens were asked to sit with the al-

calde. Two hours was a very long time for even the trial of a very long case. If law were so simple as this nowadays a great many men would be obliged to seek another occupation.

With the arrival of the Americans there were more lawyers than men of any other profession, for it soon became evident that there was to be much land litigation. Among the attorneys who practiced before the Judge of First Instance in the fall of 1849 were W. H. Russell, C. T. Ryland, Jasper T. Pappy, Horace Hawes, P. O. Minor, John H. Moore, John T. Richardson, Fred H. Sanford, S. Jones Jr., J. M. Jones, J. W. Redman, William B. Olds, Augustus M. Heslip, Davis Divine, Rufus A. Lockwood, John Wilson, A. C. Campbell, Thomas Bodley, George B. Tingley, William T. Wallace, R. B. Buckner, Freeman S. McKinney and Thomas L. Vermeul.

Most famous of all these men was that strange mysterious adventurer Rufus A. Lockwood, who after his death, in an article by Governor Booth was characterized as the ablest lawyer in California and one of the ablest in the United States. His real name was Johnathan A. Jessup. When a boy he left Yale and became a sailor. Once he was so indignant at the brutality done one of the seamen that he changed his name and ran away from the ship. He came to California by way of Central America with E. K. Beard, who in the fifties had a wonderful ranch in Alameda County, near the Mission San Jose. Later Lockwood was employed by Palmer, Cook & Co. in working on water lot titles.

Governor Booth described him as being awkward, ungainly, slovenly and sallow. His yellow cat eyes had a fixed weariness. His left hand was web-fingered. Yet in spite of his physical defects,

and in spite of the fact that he was both a spendthrift and a gambler, so wonderful were his arguments before the United States Supreme Court that he amazed lawyers of great experience and years. Always his services were sought. In 1857 while going east in his legal capacity he was drowned on the "Central America" in a shipwreck.

William T. Wallace became Chief Justice of the Supreme Court of California, and Mr. Ryland, his brother-in-law, became one of the wealthiest men of the county. P. O. Miner served with Thomas Bodley in the legislature and became rich. Thomas Bodley was afterwards district attorney. Freeman S. McKinney was in the legislature as a Know Nothing. In 1857 he went on a filibustering expedition to Mexico. There he was captured and he was one of 50 shot at Caborca. McKinney is always spoken of by pioneers as a very able man. He was one of those instrumental in forming the first fire company.

Thomas L. Vermeul was an eloquent lawyer and speaker. George B. Tingley died in San Francisco of the smallpox in the seventies. J. Milton Willams, who became district attorney, died in the seventies in San Jose. John T. Richardson became the first county recorder. Fred H. Sanford was afterwards district attorney. He died in Georgia. J. W. Redman became the first county judge. He was an odd, eccentric man, who was not only a lawyer, but a doctor.

One of the most interesting of the early lawyers was Judge R. F. Peckham, who came to San Jose before the gold rush. Any one desiring to entertain a picture of the times should not fail to read the judge's reminiscences published in The Pioneer. He wrote of himself as a "home made" lawyer. He relates that after studying law without a professor for four months he was admitted

to the bar expressly to run for office of county attorney against John H. Moore by whom he was defeated. He says that Judge Moore was elected because he was a Missourian. In the early days there were many Missourians in the community, and they controlled politics.

Judge Peckham had one of the most unique of law offices. He first hung out his shingle on a blue cloth tent. At that time the population was too large for the buildings, and often tents were used for offices and dwellings. Judge Peckham frankly states that the town did not appreciate the lawyer of their own making, and so, he moved to Monterey and later to Santa Cruz. Eventually he returned to San Jose, where his talents finally were given their proper valuation.

J. Q. A. Ballou once told me of a conversation that he had many years ago with Judge Rhodes. Mr. Ballou saw that the lawyers in the city were rapidly acquiring large possessions. Judge Rhodes, although a man of great ability, and with a good clientele seemed to be without the acreage of many of the lawyers. Mr. Ballou asked for an explanation of this condition.

The judge replied that he had no criticism to make of the lawyers who took land of the native Californians as fees. The Californians could not pay money for attorneys' services because there was so little money in the country. They were obliged to pay in land. However, said the judge, he could never bring himself to take from the native Californians their land. He realized that there had never been scientific surveys made before the Americans came. The boundaries were all so uncertain that there was inevitable confusion in the titles. When the Spanish-Californians consulted

a lawyer it was in time of stress and to take advantage of that stress was a violation of his conscience. Mr. Ballou tells me that it was difficult to persuade Judge Rhodes to make out a bill for his services.

231. SAN JOSE'S FIRST PHOTOGRAPHER

San Jose's first photographer is usually supposed to have been the late James A. Clayton, president of the First National Bank. Indeed, Mr. Clayton did make the strongest impression upon the public of any of the early photographers, but even before him several San Jose men had advertisements in the daily papers and were already earning a living taking pictures.

Carlton Hawkins made fame as a photographer in the fifties by going into the Yosemite on horseback and taking pictures of the valley. All over the world they sold. The late D. B. Moody had one of Mr. Hawkins' earliest pictures of the Yosemite and he treasured it very highly.

In the fifties there appeared in the daily papers the advertisement headed "Daguerretype Miniatures," One said that "Mr. H. Saagewald, a Daguerrean artist, has returned to San Jose and opened a daguerrean gallery on Santa Clara Street where he is prepared to take all kinds of pictures in the approved style exhibited in front of Lewis' jewelry store."

The Mercury of November 5, 1861, said "We are indebted to Mr. Waldteufel for a fine lithograph of Colonel Baker. It is true to life. He has a few copies for sale."

One of Clayton's special notices said: "Clayton is taking all kinds of portraits in the best style of art. He keeps the

best kind of operators, and his pictures compare with the best. For the excellency of his ambrotypes he was awarded a special premium at the last Bay District Fair."

James A. Clayton first came to San Jose as a miner in 1850. He arrived under the protection of his uncle, Joel Clayton was one of the earliest pioneers to come across the plains. He brought horses to sell. In 1850 he had already made three trips. Afterwards he settled at Clayton, Contra Costa County, where he died.

A brother, Charles, in 1846 went to Oregon. Later he came to Santa Clara and had a flour mill. In after years he became a Congressman. At one time he was president of the Produce Exchange of San Francisco.

The Claytons were born in Derbyshire, England, and came to this country as children. They settled in Wisconsin, but they were lured to California.

James Clayton was eager to go to the mines. Without success for two years he wooed the golden goddess. He went to Australia, when there was a gold craze, but he had no better fortune. When he tried to come back to California he found that sea captains could take passengers only on one condition, that they come as sailors. So Clayton shipped for San Francisco as a seaman. When he began his travels he kept a diary which gave a complete picture of his experiences. On his way back at Honolulu a Kanaka swam out to the vessel looking for gold dust. He robbed Clayton's cabin, and so, the diary was lost.

When Clayton came back to Santa Clara County he went to work for his brother Charles at Santa Clara. During the early days

in this vicinity it was difficult to do business without speaking the Spanish language. In order to learn that language he worked in the Fatjo store and lived in the Fatjo family. Quickly he acquired a good knowledge of Spanish.

At the time Bradley and Rulofson were the leading photographers in San Francisco. Clayton desired to be a photographer. He went to San Francisco and studied photography with Bradley & Rulofson. In the fifties he returned to San Jose and opened a gallery using the old-fashioned wet plates. He entered his profession with great enthusiasm and till the day of his death Clayton liked photography. Photography was far more difficult than today because the operator was obliged to pose his subject, and then, go into the dark room and prepare a wet plate.

Clayton remained in the business of taking pictures only a few years. He became County Clerk and rented his gallery to M. Beardon who later succeeded him in the business. While he was County Clerk in 1867 Clayton opened a real estate office. His knowledge of Spanish helped him to build up a large business. In 1872 he became president of the First National Bank. He died in 1908.

One of the most interesting mementoes of the old Clayton gallery is a photograph album now in the possession of his daughters, the Misses Clayton, who live in the old family home in North First Street. The album always rested on the table in the reception room of the Clayton gallery. In this album are many photographs of prominent San Joseans. Familiar faces of the fifties and sixties may be here seen. Among them I noticed the Ruckers, Schallenbergers,

Bowdens, Picos, Rhodes, Hensleys and Lowes. From these samples clients of the gallery decided how they were to have their pictures taken. There were the old fashioned family groups taken with two pictures on a card to be used in a stereoscope.

Among those who studied photography in the Clayton Gallery was Wilbur Wright, who until recently had a gallery in Santa Clara Street. Mr. Wright had thousands of negatives of old San Joseans, abodes, historic buildings, but unfortunately they are unclassified, and so, they are not available to the public. No one but Mr. Wright can distinguish the subjects.

Tiburcio Vasquez was photographed by Mr. Wright a few days before he died. Vasquez, near as he was to death, enjoyed posing. Mr. Wright told me that after Vasquez died the supervisors objected greatly to the fact that the sheriff had spent the money of the public in having the bandit photographed. Mr. Wright was obliged to write a letter to the newspapers declaring that he took the photographs to gratify his own artistic curiosity. In this way the popularity of the sheriff was saved.

232. MEMENTOS OF J. ALEXANDER FORBES

Mrs. E. W. Maynard of Twin Lakes, granddaughter of J. Alexander Forbes, showed me many of her possessions. Mrs. Maynard formerly lived in San Jose. A little oval frame contains a photograph of a high-headed, formal looking old gentleman wearing a stiff, old-fashioned collar, who might have the moment before have just stepped out of Culoden House in Scotland, the family home of the Forbes. This was the J. Alexander Forbes, British Vice-Consul, who in the old days was a large land holder in Santa Clara County, the

builder of the Forbes' mill at Los Gatos and historian of California.

In glancing through the family papers I learned that Mr. Forbes in the twenties was taken by an uncle from Scotland to Montevideo and educated in a Jesuit College. Mr. Forbes' uncle was killed in an earthquake, and the boy found himself alone. He sailed for British Columbia, to engage in trapping, but owing to a shipwreck he landed in San Francisco, or Yerba Buena, as it was then called.

Forbes spoke perfect Spanish, and so, it was easier for him to make his way in the Spanish-American colony than it would have been for another youth. One of his earliest occupations was at the Santa Clara mission. There assisted by Father Magin Catala and Father Viader he wrote the history of California. When it was finished he sent it to his uncle. Alexander Forbes, at Tepic, Mexico. The older man was so pleased with it that he sent the manuscript to their relative, Sir John Forbes. Sir John had it published in 1832. Today it remains one of the best authorities on California history.

When young Forbes came north from South America it was with the idea of trapping for the Hudson Bay Company along the Columbia river, which was then the northern outpost of the company. He was not satisfied till he had made the experiment, and so, he left Santa Clara and went north. Later he returned with a band of French Canadian trappers. They trapped on the San Joaquin, the Comsumnes, the Moquelemne, the Tuoluomne and Sacramento rivers. In the year 1835 they camped on the site of Stockton. A tradition of this lingers in the fact that afterwards it was called French Camp.

When William Gulnac received his grant of 11 leagues including the site of Stockton in 1844, the grant was called the Campo de los Frances.

An old flute in Mrs. Maynard's possession reminds one of why Forbes gave up trapping and came back to Santa Clara. It was the time of flutes and love. In the mission church he wedded Anita Galindo, daughter of Juan Crisostuome Galindo and Jacoba Bernal. Mr. Galindo was the mayor domo of the mission. He was the grandson of Juan Galindo, who came with Anza. His father, Jose Antonio Galindo received the first grant of land in San Francisco, La Laguna de Merced. In 1837 Galindo sold the ranch to Francisco de Haro for 100 cows and \$125 in goods. This property now belongs to the Spring Valley Water Company and is valued at \$4,000,000. Galindo also received the grant of the Sausalito ranch.

Forbes himself could not obtain a grant from the Mexican government because only citizens of Mexico were allowed that privilege, but through his wife he obtained the Potrero da Santa Clara, famous as the Stockton ranch. It contained about 2000 acres. The Galindos had so much influence with the early fathers that when the Americans began to come in 1846 Father Real gave Forbes' father-in-law the Santa Clara mission. Doubtless this was done to save it from conquerors. The United States land commission refused to allow the grant. It was returned to the church.

Mrs. Maynard recalls well her grandparents, though she was only a child when they died. She remembers the old house at Santa Clara and the Indian servants. In her living room is a massive mahogany table that came from her grandfather's house. She does not

recall when her grandfather lived in an adobe at First and San Antonio Streets, because that was long before her time.

Mrs. Maynard remembers the legends in the family concerning the stone mill at Los Gatos. She was told of the gigantic effort that it was to bring the rock and the timbers from the mountains. At last the mill was finished and the first ship load of flour was manufactured. Mr. Forbes had opportunities to sell it in San Francisco. Instead he shipped it to Australia, and the ship, cargo and crew were never heard of again. This disaster broke the spirit of Forbes.

Mrs. Maynard has a very handsome portrait of her mother Martha Frances Forbes. Mrs. Maynard's father was Alfred Royce Tomkin, the first druggist of Santa Clara. Mr. Tomkin was associated with Dr. Warburton, a pioneer of 1847, who erected the building.

232. FIRST ORCHARDS

After the American occupation of San Jose the first orchards of any size planted were those belonging to E. W. Case, Judge William Daniels, Captain Joseph Aram and Dr. A. L. Bascom, name-sake of Bascom Avenue. These trees were mostly apples. Case's orchard was of about 350 trees and was on his property on the Alviso Road. Daniels' orchard was about one acre., and was in the northern part of the town not far from the Southern Pacific station. Captain Aram's orchard contained 20 acres and was situated where the wollen mills used to stand, in the first ward west of First Street. Many of these apple trees were bought in Oregon. Early the Oregonians planted orchards.

About 1857 B. S. Fox began growing strawberries. He was

soon followed by Mr. Boots on the Alviso Road. The incentive was great to plant strawberries because there was a good market for them in San Francisco, but until this time they had been grown mostly in Alameda County. Then strawberries were sold by the pound and they brought as high as 20 cents a pound. After the introduction of the artesian wells strawberries were produced in great quantities in The Willows.

J. A. A. Balou was the first man to demonstrate the commercial value of dried prunes, but the first large plantings were by Mr. Settle and by the Bradleys on what is known as the Clayton Ranch on the Stevens Creek Road. The Bradleys brought as high as 12 cents. The Bradley orchard the first year produced a crop valued at \$300 per acre and this caused a movement in Santa Clara County to set out prunes. At that time the root most used was the peach. The Bradley orchard lasted until 15 years ago when it was torn out. Another thriving orchard in its stead and is owned by the Claytons. Mr. Clayton married Miss Bradley.

The first cherries were grown in 1861 by Dr. China Smith in his delightful old garden in Tenth Street. One of the earliest cherry orchards to attract attention was owned by W. C. Geiger, who lived in The Willows. In 1887 Rawley Dent received \$62 for two cherry trees.

J. Q. A. Ballou, who had done very well with apples, made a great success of pears. In 1858 he planted 1500 apple and pear trees. I have seen the bill of sale of Mr. Ballou's crop in 1888. Ten acres of pears fetched \$6000.

Another successful producer of pears was A. Block of

Santa Clara. In 1886 Mr. Block exhibited at the San Jose Horticultural Fair 12 Bartlett pears that weighed 14 pounds. In 1903 Solomons, the fashionable London fruiterer, said that Block's Bartlett pears were the finest in the world.

One of the early orchards was that of D. C. Vestal at Milpitas. In 1854 he set out apples, pears and apricots. Mr. Vestal first propagated in California the Moorpark apricot for market. From one tree Mr. Vestal received \$12 in a season. He also experimented with Chile walnuts. Three walnut trees brought him \$75 in one year.

However, fruit growing in the Santa Clara Valley did not seem a serious business for men whose pride it was to work hard. The market was far from free, and often men who had apples went about peddling them. Sometimes they sold apples at a camp meeting at the rate of three for 25 cents.

It was long before Santa Clara Valley realized that here was to be the largest seed farm in the world, that it would have some of the best olive orchards known, that its grapes would be famous, that it would produce the best dried prunes in the world.

233. FIRST NURSERIES

Judge William Daniels, the first English speaking school teacher in San Jose, was also the first nurseryman. About 1850 he bought two suertes (24 acres) of land in the northern part of town and built a residence. There later he erected a very original octagonal dwelling which was standing a few years ago at Julian Street between First and Market. The living room was in the center and lighted by a skylight. The other rooms were in the angles of the

Octagon.

Judge Daniels, his wife and children lived and died in this house. Miss Harriet Daniels, a daughter, was temporarily buried on the place under a willow tree.

Judge Daniels set out one of the earliest peach orchards and sold many trees. At the time of the first State fair in San Jose Judge Daniels' fruit and flowers took most of the prizes. He was the earliest importer in large quantity of rare flower seeds. At the fair he exhibited marigolds, pinks and the first dahlias seen in San Jose.

Judge Daniels was an Englishman, but he saw beauty in the California native shrubs and even weeds. He created considerable amusement among the settlers by cultivating and watering a thistle which happened to be growing in his yard. He caused it to produce a profusion of scarlet blossoms which to him were as lovely as garden flowers.

Judge Daniels' nursery remained in existence all through the sixties, when he died. He was a successful man in his business, but in his later days he was financially crippled by pledging himself for the debts of a friend.

Mr. Louis Prevost, a Frenchman, for whom Prevost Street was named--"Don Louis" he was called--was the first nurseryman to make a specialty of flowers. Mr. Prevost was the father of Dr. Prevost.

In the fifties the loveliest offering of beauty that could be given by a young man to his sweetheart was one of Prevost's bouquets. today even the pioneers admit that these bouquets would

look very homely if offered for sale, but at that time they were thought to be extremely beautiful.

Mr. Prevost had the French fashion of mixing flowers, and he made bouquets of wall flowers, mignonette, sweet alyssum, rose geraniums and other old-fashioned blossoms. Mrs. Elizabeth McCracken told me that Prevost's tight small French bouquets sometimes sold as high as \$3, and she remembered a simple little affair of rose geraniums for which her husband paid a dollar. She kept this precious bouquet so long that it sprouted and she felt herself rich in beauty when she had rose geraniums of her own. Prevost supplied flowers for balls and parties. He sold a great many Castillian roses, and the late Mrs. Mattie Reed Lewis of Capitola told me that the first La France rose ever seen by her in San Jose was in Prevost's garden. To her she said it seemed a thing of strange new beauty.

As time passed Prevost's nursery became also a pleasure garden. There were numerous nooks, vinecovered summer houses where young people loved to linger. Hostesses wishing to give a summer party decorated these gardens with Japanese lanterns, and there entertained their friends. These were the first pleasure gardens in San Jose. Long afterward they were known as Live Oak Park. Today Navlet's nursery occupies a part of the old Prevost gardens.

Don Louis Prevost played an important part in developing the culture of fruits and trees. He imported mulberry trees for the propagation of silk worms. It was in the grounds of Louis Prevost that the first horticultural society was organized.

The first person who thought of planting a tree in California was Jose Galvez, the Spanish viceroy to Mexico. When that great pilgrim, Father Junipero Serra, set out on his historic expedition to save the souls of the redmen of California, Galvez, who was a practical peasant statesman, helped load the ships with supplies. Those supplies were selected by Galvez himself, and among them were seeds and cuttings to be planted near the missions by the pilgrim priests. Among these cuttings were the grape, olive, apples, pears and peaches.

Offsprings of the Galvez cuttings and seeds undoubtedly came to the mission of Santa Clara. In the latter part of the 18th century Father de la Pena planted the first orchard at the Santa Clara mission. It consisted of 60 fruit trees besides grape vines and shrubs. Some of those first trees stood until within a few years. Today the oldest trees living at Santa Clara, and still in bearing, are the olive trees in the tranquil patio of the university planted more than a hundred years ago.

Agriculture at the Santa Clara mission in the early days was declared to have been more skillfully conducted than at any other mission with the exception of San Gabriel.

It was generally stated and believed that mission fruits compare unfavorably with modern fruits. Certainly the pears at San Juan mission have a very tough skin, but J. Q. A. Ballou, the only surviving pioneer nurseryman, told me that one of two varieties of the mission pears when he came to California were almost as good as the improved pears of today.

Certainly there was a market for the mission fruit.

When James Frazier Reed arrived in 1846 he rented both the mission orchards at San Jose and Santa Clara, and from them made a handsome income.

From the Mission San Jose Mr. Reed shipped dried fruit and grapes to San Francisco in 1847. Mr Reed was probably the first man in Santa Clara Valley to dry fruit for commerce.

The fathers at Santa Clara had considerable difficulty in establishing their vines, so Vancouver recorded, but he was keen enough to predict that viticulture would be successful in California when the fathers better understood planting vines.

The possibilities of the greatest fruit country in the United States were not early recognized by either Californians or Americans. At first Santa Clara County was thought to be fit only for grain. Bayard Taylor wrote that Captain Fisher, who lived at Laguna Seca (Coyote), spoke of wheat reseeding itself in a phenomenal way. Fisher sowed 20 fanagas of grain. The first year 20 fanagas of grain. The first year he harvested 120 fanagas, the second year 800 and the third year 600. With such a harvest who could think of fruit?

But it was early seen that grapes would thrive in the Santa Clara Valley. Already in the forties the Frenchman Vigne at the Mission San Jose, so wrote Bayard Taylor, had made 100 barrels of wine in one year from six acres. Taylor predicted that the vintages of San Jose and Los Angeles would excel and replace Burgundy and Tokay.

235. TREE PLANTERS

PART II

Not many ornamental trees were planted in San Jose by

Spanish-Californians. Father Magin Catala was the first great tree planter. He set out The Alameda.

Alameda comes from the word Alamo. Alameda really means a grove of elms. The native Californians applied alamo to cottonwood trees though there were not more than a score of those in the three splendid rows of willows connecting Santa Clara mission and the pueblo of San Jose, Marcello, the old Indian who was one of the builders of the Santa Clara Mission, told the late Joseph Fenton that he helped plant The Alameda. He said that the willows were rooted on the banks of the Guadalupe. This river was probably the earliest nursery in San Jose.

There were a few palms at the Mission Santa Clara and the Mission San Jose. Some of them were set out in the pueblo. Among the oldest palm trees are those in the garden of Mrs. George McKee in South Second Street. Nature lovers insist that palms should not be planted in California. They declare that such tropical beauty is incongruous with our climate, but the palms first set out by the fathers had spiritual significance. They glorified Saint Francis d'Assisi. When you see a palm in California you may know that its ancestors were planted with a prayer which breathed selflessness and sacrifice. Perhaps this should temper the criticisms of the orthodox nature-lover whose watchword in "California for California trees. Death to aliens!"

One of the most important tree planters was a woman, Mrs. Juan Sepulveda, mother of the late Mrs. Louisa Mesa, who was born in an adobe on the site of the Paul Mason residence in Market Street. Mrs. Sepulveda sowed the pepper tree seed which was brought

to San Jose by her nephew, Sebastian Flores, on one of his visits to Santa Barbara and Los Angeles. About 1840 Mrs. Sepulveda set out two baby pepper trees. One died, the other became the ancestor of all the pepper trees in Northern California. It was cut down about 20 years ago when the Massons built their residence.

Before the Americans came the first black locust tree in San Jose was set out by Justo Larios where now would be Taylor and First Streets.

Aside from these early trees most of the planting in San Jose has been done by Americans. In 1849 there were few trees to be seen anywhere. One of the most beautiful groups of oaks stood near the present Vendome Hotel. Only one oak, it is declared, was between Santa Clara Street and the Coyote.

Until a few years ago that famous old oak was in the middle of Tenth Street. After the civilizing custom of lynching was introduced the oak was used as a scaffold for wrong-doers. With calmness the old tree bore the deaths of man. However, she would have shuddered had she known what was to be her own fate. Some years ago in spite of the protests of the Outdoor Art League and others interested in conservation this historic oak was felled to make way for the automobiles. An old oak had no business standing in the middle of the street, not even though it had stood there before even white man came to San Jose.

236. TREE PLANTERS PART III

Spanish Californians reveled in sunshine. With Americans came the idea of planting shade trees. They were set out everywhere. When the pioneers went into the mountains to ship-saw lum-

ber or cut wood, they brought back a few fir or redwood trees for shade. Redwoods 60 or 70 years old are now growing in San Jose. In that time they have attained imposing height. Some planted by Dr. China Smith on his old place in Tenth Street, especially those near artesian wells, have large trunks. The largest redwood trees in the city are those set out by E. W. Case about 1860 on First Street near the Alviso Road.

One of the oldest palms of San Jose stands in the McKee garden at 236 South Second Street. With four others it was planted in 1854 by the mother of the late George B. McKee.

The prickly pear trees at the Mission Santa Clara were planted by the fathers.

The oldest almond tree, to my knowledge, is at the Roble Alto ranch near Santa Clara. It was brought from Chile and set out in the early fifties by Mr. and Mrs. Joseph Woodhams.

There were several varieties of Mission olives even in the old days, and they were greatly improved by the importations of John Rock from France.

Oranges were probably brought to Southern California by the missionary fathers. The first oranges to attract attention in this vicinity were in the McMurtry garden at Los Gatos. Limes were first grown in Santa Clara County with considerable success by Mr. Galesgas at the Mission San Jose. One of the most unusual lemon trees in this vicinity is a seedling at the Bernal's Santa Teresa ranch. The seed was sown by Miss Bernal about 30 years ago. The parent of the tree was unusually sweet and came from Brazil. The fruit of this lemon tree has a sweet rind. The tree has been well

irrigated and it's diameter is about 12 inches. Each year it bears from 15 to 20 boxes of lemons. It's harvest fetches annually \$20 or \$30. So successful have been lemons and oranges in Santa Clara County that about 25 years ago a Citrus Fair was held here.

Opinion is so divided as to the merits of the eucalyptus tree that one hardly knows whether to thank or reproach the late James Lick for importing many eucalyptus from Australia. Mr. Lick was so afraid that it would not thrive in California that at the same time quite unnecessarily he imported with the tree several carloads of dirt. But the eucalyptus tree is one that can hardly be killed if there is any water within a few rods.

Mr. Lick also imported the sassafras tree and the cork oak. The cork oak would be very important to California if it were cultivated to any extent. So valuable is the cork oak to Spain, where it largely thrives, that the Spanish government at one time forbade its exportation. An excellent specimen of the cork oak is on Captain Aram's old place now occupied by the Clarke's Nursery. In 1858 Mr. Fallon had some cork oaks planted.

Among the most interesting ventures in tree planting was the importation of the white mulberry by Louis Prevost. B. S. Fox in 1861 was so successful in acclimatizing the mulberry that he raised 100,000 silk worms. Immediately Messrs. Neumann and Meyer obtained from the East looms for the manufacture of silk. Mr. Neumann was a man of great enthusiasm, and J. Q. A. Ballou tells me that he recalls when he was a member of the Board of Supervisors Mr. Neumann appeared before that body and exhibited the silk that he had manufactured. He gave Mr. Ballou a yard of the first silk

made in San Jose. The fabric was black, and it was in Mr. Ballou's possession until a few years ago. Mr. Neumann tried to obtain capital to promote the manufacture of silk, but he was not successful.

Some of the white mulberry trees still stand on the left hand side of First Street not far from Taylor Street. They are excellent shade trees. One survives at Seventeenth and Mission and annually sheds its fruit on the sidewalk. In his last years Louis Prevost went to Riverside and there tried to introduce on a larger scale the growing of the mulberry tree for the propagation of silk worms.

237. INTRODUCTION OF PRUNES

The plum is the oldest of modern fruits. It is the only fruit that will reproduce itself perfectly from seed. It was introduced in France by the wife of Francis the First. This variety--we call it the green gage--in France was known as the Reine Claude.

A prune is merely a plum that will dry well enough to be of commercial value. The most famous product of Santa Clara Valley is the French prune of the prune d'Agen. Agen is the name of a city and province in France where the French prune best thrives. The prune d'Agen is one of many varieties of prunes, but it is much liked because it is a prolific and reliable bearer.

To the late Louis Pellier must be given the credit for the introduction of the French prune to California. Louis Pellier and his brother Pierre came from France to California in 1849 looking for gold. They did not find much gold, but they gave the Santa Clara Valley a gold mine.

When the Pellier brothers found themselves unsuccessful

in their first purpose, Louis came to San Jose and established the City Garden Nursery, Pierre bought a ranch in the foothills.

When Pierre Pellier left France he left also a sweetheart. After he was established on his ranch he returned to his native land to fetch her.

When Pierre went away Louis asked his brother to fetch scions of prunes, grapes and many trees. Pierre remained in France some little time. He married, and in 1856 when he returned to California he had a small son, Jean, now a clerk in the San Jose post-office. He arrived by the same steamer with the prune d'Agen.

Louis grafted the scions on the wild plum root, and J. Q. A. Ballou tells me that he remembers well hearing Louis in broken English say that these prunes were "fine for dry." In 1860 Louis Pellier charged 50 cents each for grafting the prune d'Agen.

A German nurseryman named B. Kamp was one of the first to share Louis Pellier's enthusiasm for the prune that was "fine for dry." He grafted some trees and set them out in orchard rows.

Still the prunes did not really attract attention until 1867. At that time J. Q. A. Ballou had a very good market for his dried fruits. He made a specialty of pitted plums which he sold in San Francisco for \$2 a box. He also had very desirable dried pears. By way of Cape Horn he made three shipments of pears, of a ton each to New York. These brought him from 18 to 20 cents a pound.

Mr. Ballou was interested in the prunes, and so he obtained from Pellier 50 scions which he grafted on plum trees. He dried the product of these prunes in the sun, and he tells me that

he became convinced that dried prunes would become a permanent part of fruit commerce. For several years he exhibited his dried prunes at the local fairs. He sold the first dried prunes in San Francisco to Mr. Lusk, a commission merchant. Mr. Ballou mixed the prunes with pitted plums, and Mr. Lusk bought \$600 worth.

These prunes were dried without pits and they were not dipped in lye. Until this time people had been very prejudiced against planting orchards, but Mr. Ballou's success stirred them. The prune acreage improved until Santa Clara County produced more pruned than any other one section in the world.

238. FIRST ARTESIAN WELL BORERS

For some time Judge Daniels and Don Louis Prevost sold mostly flowers. They were able to do little in the nursery business so long as the only irrigation water to be had came from the Acequias, which were ditches dug by the Spanish-Californians and formed a network through the city. The first artesian well was bored in San Jose by Messrs. Merritt & Brothers in Fifth Street on December 31, 1853. Water was reached at a depth of 55 feet, but eager to find a greater supply, the borers continued till they reached 80 feet. At that point there gushed forth a stream of water almost strong enough to run a sawmill. More than water came from the earth, blossoms, fruit, gold--the life of Santa Clara County.

Like many great events, the first artesian well was not appreciated at its true value, says Mr. J. Q. A. Ballou, who was in San Jose at the time of the achievement.

The pipe for well boring was rather expensive, and so not many persons followed the example of Merritt & Brothers. How-

ever, very soon Mr. J. L. Shepherd, who lived three miles east of San Jose, had a well bored on his place that was even more successful than the pioneer well.

In the first artesian well as in many later ones were found bits of redwood, showing that at one time the valley was covered with a redwood forest.

When Mr. James Lowe bored an artesian well on the Stockton ranch there were cast up soft shell clams, different from the ocean variety. There also came from the Lowe well snails and blind fish. Some times in shallow wells not more than 150 feet deep found warm water.

The artesian well borers, Mr. Ballou says, were somewhat discouraged by the results of their work on the Alviso Road. These wells were bored during a heavy winter, and in a short time they gave out.

However, Mr. G. A. Dabney's venture in San Fernando Street raised the spirits of the discouraged. With such volume came the stream that it flooded the surrounding land, and the City Council voted it a nuisance. The council threatened to penalize Mr. Dabney fifty dollars a day if he did not stop the flow of water. But the City Council might as well have legislated against the Guadalupe. During six weeks water gushed nine feet into the air. Only by boring more wells in the vicinity of San Fernando Street was the force lessened and the Council's ordinance obeyed.

239. FIRST ARTESIAN WELLS

After the artesian wells were a success in San Jose, the nursery business moved forward. However, the population of

this vicinity was so small that there was not the boom in the nursery trade that might have been expected with the irrigation question solved.

Still the business of selling trees was extremely profitable. It was almost impossible to get anything but seedlings. In spite of the claims of dealers, there were few varieties of fruits in San Jose or California. Often a man bought five or six varieties of an apple or peach, but he found on their maturing that he had only one or two varieties.

The following is the bill of sale in 1856 for a San Jose gentleman's garden:

Three apricot trees	\$ 9.00
Ten peach trees	20.00
Five peach trees (large)	25.00
Twenty-five pear trees	50.00
Four cherry trees	8.00
Forty apple trees	60.00
Four plum trees	12.00
Ten nectarines	15.00
Six gooseberries	4.50
Six currants	4.50
Six grape vines	4.50
Three hundred strawberries	9.00
Six catalpa shade trees	9.00
Six locust trees	6.00
Four weeping willows	2.00
Two honeysuckles	3.00
Two climbers	2.00
Six roses	6.00

In 1849 apple trees had sold as high as \$6 each. Mr. J. Q. A. Ballou tells me that in the early fifties he paid Captain Aram, from whom he bought an orchard, \$1.25 each for 300 trees.

Among the first large dealers in fruit trees in Santa Clara County were the Llywelling Brothers. Seth Llywelling had a nursery at Milwaukee above Oregon City, Ore. His brother, John, was

in the nursery business with Mr. E. L. Beard at the Mission San Jose. Mr. Beard was afterwards president of the State Agricultural Society.

Probably the oldest nursery firm in California is that founded by Mr. B. S. Fox in 1853. Mr. Fox was an Irishman of much ability who came to San Jose in the employ of Commodore Stockton. He bought to the Stockton ranch all varieties owned by the Hovey nursery in Massachusetts, and they greatly enriched the cultivated tree life of California.

In 1853 he left the Stockton ranch and established a nursery on The Alameda. In 1858 he transferred his nursery to the Milpitas Road.

Mr. Fox was a botanist and he originated three varieties of pears, the P. Barry, the B. S. Fox and the Colonel Wilder. Sometimes Mr. Fox sold trees at auction in small lots. He died in 1891. His nursery passed to his nephew, Mr. R. D. Fox, who now has a nursery not far from his uncle's old place on the Milpitas Road.

On the Alviso Road till 1857 was Mr. J. Q. A. Ballou with Mr. E. W. Case. In 1857 Mr. Ballou moved to the Milpitas Road. In the early fifties Mr. Case and Mr. Ballou planted 2000 fruit trees.

Not far from Mr. Ballou and Mr. Case was Captain Joseph Aram's nursery. This is occupied by the J. B. Clarke Nursery. Some trees planted by Captain Aram still stand on the old place. One is a cork oak and the other is a camellia tree.

One of the early nurserymen and one of the most progressive was Louis Pellier, who was responsible for the prune being introduced into Santa Clara County.

Mr. Delmas, father of D. M. Delmas, had a large nursery

on his grounds in what later was called Delmas Avenue. He imported more than a hundred fine French varieties of grapes. On his place he had a brandy distillery where he manufactured a good French brandy.

The most energetic and probably the most important of all the early nurserymen was John Rock, a German who had a nursery on the Milpitas Road near Wayne station not far from the nursery of B. S. Fox. Later Mr. Rock and Mr. Fox became partners in business and founded the California nursery at Niles. Mr. Rock imported many varieties of improved fruit. Among others was the Imperial prune.

240. A STRANGE PRISONER

One of the strangest prisoners ever held in the San Jose jail was Captain Jedediah Smith in the early twenties of the last century. Captain Jedediah Smith came from the United States, and was supposed to have been the first American to cross the continent. He was licensed by the United States government to go into the Rocky Mountain country with hunters and trappers commanded by him. In 1826 he arrived in Southern California by way of the Colorado River. His men and horses were on the verge of starvation. By a great effort they reached San Gabriel Mission.

The father in charge told Captain Smith that the country was forbidden him and his men. Captain Smith wrote Governor Echeandia at San Diego and told him of his straits. The Governor ordered him to San Diego to give an account of himself.

Always the Spaniards feared the Americans. Father Magin Catala of Santa Clara Mission, famous as a prophet, had foretold that the Americans would conquer California. Echeandia did not be-

lieve Smith's explanation of his presence in California. The captains of the American trading vessels in the harbor joined in a signed appeal to the Governor to furnish Captain Smith and party with supplies so that they might peacefully depart. Echeandia granted the request on condition that Smith and his men leave by exactly the same route they followed when they came from the United States.

Smith did not keep his promise to the Governor, but he left with some of his men by way of the San Joaquin Valley. From there they intended to cross the Sierra Nevadas, when the mountains were blocked with snow. They re-entered the valley and camped near Mission San Jose.

The mission was greatly perturbed by the foreigners. When Captain Smith learned that his presence had upset the mission, he wrote Father Duran, signing himself, "your strange, but real friend and Christian brother."

This letter so won Father Duran that he allowed Smith to leave a portion of his party while the captain went to Salt Lake, where others of his men awaited him.

Smith brought the men back into California over the Colorado River route, defying the government. Smith himself narrowly escaped massacre by the Indians. Ten of his men and two of his women were murdered. The captain and eight of his followers arrived in San Bernardino. At that place two of his men fell ill. The others went on to San Diego, took passage on an American ship and came to San Francisco. From there they sailed for the Embarcadero of Santa Clara at Alviso. Later they came to San Jose.

Captain Smith inspired real terror in San Jose. His explanations explained little to the people. San Joseans suspected that he was an invader whose object was to seize California. Smith was thrown into the San Jose jail in 1827. The Governor ordered him to come to Monterey to explain why he had returned to California. Smith's reasons were unsatisfactory. The Governor ordered him back to the San Jose jail.

Again the sea captains interceded with the Governor for Smith. The Governor ordered him out of the country. He even refused to allow Smith's trappers to accompany him.

Alone, in exile, Captain Jedediah Smith's trappers to accompany him to Salt Lake through the mountains. He was never heard of again. Did he die of starvation? Did the Indians kill Him?

In the early days among the Spanish Californians about San Jose there were few stormy love affairs. Children were obedient. Some obeyed their mothers very much as do French boys today. Daughters seldom questioned their parents' authority. A brief open courtship was followed by marriage. Weddings were great festivities lasting two or three weeks.

Sometimes love broke the bounds set for it, and then, there was a picturesque elopement. If the lover was unwelcome to the parents he usually carried off his sweetheart at night on horseback.

Among the most unusual courtships were those in the Sanchez and Valencia families. These two families lived on ranches between San Jose and San Francisco. Valencia Street in San Francisco

was named after the Valencia family. Jesus Valencia was a dashing young man who played divinely the violin. He fell in love with Paula Sanchez. The family objected to the marriage, and so, Jesus stole his sweetheart and rode with her to the Mission Dolores in San Francisco, where they were married.

Then a brother of Paula Sanchez, Francisco, fell in love with Laria Valencia, a sister of Jesus Valencia. The Valencias opposed the marriage. Young Francisco was as brave as Jesus Valencia. He stole his sweetheart and eloped with her to the Mission Dolores.

An unusual love affair at San Juan Bautista was the foundation of the play, "The Rose of the Rancho." Juan Boronds, who died a few years ago at San Juan, was the hero. He loved a girl, but her parents desired her to marry a wealthier man. In the church the bride tried to escape the marriage. Her mother tore from her the jewels and beat her, but the marriage went on. A year later she died insane in Mexico. Boronda never married.

One of the picturesque marriages of the old days was that of Bartolo Sepulveda and Maria Alviso, daughter of Don Jose Alviso of Milpitas. Maria was a pretty girl, delicately nurtured, surrounded by luxury. The Alvisos objected to their daughter's union with the young man. One night Sepulveda rode to Milpitas and carried off his sweetheart from Don Jose's house. On a swift horse he brought her to the residence of his mother in San Jose, but the priest would not marry her without Don Jose's consent. From the Sepulveda house messengers were sent to the Alvisos begging their consent to the union. Don Jose was obdurate. But love had its way. Finally the priest married the lovers in St. Joseph's Church. Bortolo

Sepulveda is the oldest native son of San Jose.

242. SETTLERS' WAR

PART I

Perhaps it would be more correct to call the settlers' war the settlers' revolution. For a time court orders were scoffed at, firearms were waved at Sheriff John M. Murphy, and that highly-popular and respected citizen was treated as a joke. This was in 1861. To this day the men in that conflict believe that it was right to defy the court orders. Certainly they had great provocation to revolt if the court order resulted from perjury and forgery of deeds.

The late Ralph Lowe upheld the court decision. The late J. C. Black said that the late William Matthews, attorney for Chayoba, was a high-minded Virginia gentleman, who never stooped to corrupt justice, that Antonio Chaboya had a right to his six leagues of land.

On the other hand, Sandford G. Benson, who investigated the case, while Judge S. O. Houghton was still alive, had a statement from the Judge tending to convince that Antonio Chaboya of Evergreen never had more than a grazing permit, and that to one league of land. Judge Houghton told Mr. Benson that he was in the law office of Ryland and Wallace when Chaboya entered with his permit and offered the lawyers one-half interest in whatever they might win for him through litigation. Ryland and Wallace examined his paper and found that it was only a grazing permit to a league of land. They asked him if that was all the title he had to the land and he replied that it was. They declined the case.

At a later time in the United States Court he presented a deed for six leagues of land. This deed, it was claimed, had been

found under the eaves of the house. The settlers scoffed at the explanation, but the Spanish-Californians were the most unbusiness-like and would have been as likely to hide a deed under the eaves as anywhere. There were neither safes nor strong boxes in the country and people were always burying their treasure. One thing is certain that, after long litigation, no matter what the merits of the case may have been, the decision was with the Spanish-Californian Chabolla, or as the family is commonly spoken of in San Jose, Chaboya.

The trouble originated in 1860 and came to a climax in 1861. The treaty of Guadalupe Hidalgo at the close of the Mexican War promised that all grants of the Mexican Government should be confirmed by the United States. Leagues of land for years had been occupied by Spanish-Californian families and held by shadowy titles. In this sparsely-settled country occupation of land for 30 or 40 years gave claimants an ethical, if not legal, right. American settlers demanded that land titles be defined in precisely the same way that they were in the East.

Because of the chaotic state of the titles to land, squatting became an industry. Men squatted on land with no idea of obtaining a legal right to the property. Their only purpose was to be paid a sum to move.

Domingo Peralta, son of Don Luis Peralta, drove off squatters with a shotgun from his Oakland ranch, and in return he was put in jail, where he was confined several months for asserting his rights. The Widow Bennett of Santa Clara used to go out and demolish with an ax squatters' cabins erected during the night on

her place. One of the sons of Don Antonio Sunol was shot by a squatter on the Sunol Ranch. The shooting of Alexander McClure by Santiago Berryessa came about through McClure squatting on the Berryessa land, near New Almaden. This resulted in the lynching of a perfectly innocent brother, Demasio Berryessa.

The best-intentioned settlers found themselves obliged to pay three times for land, as did the late A. R. Woodhams of Santa Clara. The late George B. McKee's mother paid five times for her lot in San Jose, and one of the humors of the situation was that the same attorney passed on all five titles. The attorney was perfectly honest, too, but he was not familiar with Spanish.

At the time that settlers began locating on the beautiful Rancho Yerba Buena, or Socayre, it was generally believed that Antonie Chaboya had no right to the land, and so, a serious, determined lot of men were met by the officers when Sheriff John M. Murphy found himself ordered by the United States District Court to eject from the land near Evergreen, Chauncey C. Barbour, Truman Andrews, William Raymond, Thomas J. Baxter, Benjamin Kenny, John Abour, Andrew Gheringer, Thomas B. Farnsworth, George Osteck, Jacob Newhouse, Patterson Barnard, William McClay and James M. Bottsford.

Sheriff Murphy summoned a posse of 378 citizens to aid him.

Then it was that revolution flamed forth in Santa Clara County and throughout the adjoining counties. All rushed to the support and aid of the Evergreen settlers.

243. SETTLERS' WAR

PART TWO

When it was known that Sheriff John M. Murphy had orders

from the court to eject the settlers of Evergreen from their lands, immediately settlers in all neighboring communities began drilling in companies to resist the law. Though the order did not touch them personally, they never knew when it might, and so they felt the need of standing together. There was formed the Berryessa Home Guards, No. 1, the Evergreen Home Guards, No. 2, and Santa Clara Home Guards, No. 3.

Sheriff Murphy had much sympathy with the settlers, but there was nothing for him to do but to carry out the orders of the court. So he retained nearly 400 citizens of Santa Clara County to help him in his unpleasant duty. Settlers came more than a thousand strong. They came from Saratoga, Redwood, Hollister and Alameda Counties. They came not to obey, but to make mockery of the law.

Before the courthouse, which was on the site of the firehouse in Market Street, they assembled. They carried banners such as "Resistance to Fraud Is Obedience to God," "The Welfare of the People Is the Supreme Law of God." Another beautiful banner was inscribed, "Presented by the Ladies of Evergreen to Their Home Guards."

Charles Wade of Alviso appeared on horseback disguised as a negro. He had a black wig and he carried a 10-foot fence rail painted red which he used as a sword. Another man came beating on a sugar barrel as a drum.

Sheriff Murphy spoke to the crowd from the balcony:

"Will you go with me to execute the ejectment writ?"

One by one he asked the question.

All jeered back at him. "No!"

"Gentlemen, you are making sport of law, Are you armed?"

"Yes," answered one, holding in each hand a bologna sausage. Such was the spirit of levity that prevailed.

Some say that the Sheriff did not care. Others declare that he was in despair. At any rate, he dismissed them.

The settlers then paraded the streets, some on horses, some in wagons, some on foot. They went to Evergreen, and the sheriff was obliged to make the following return:

"Antonio Chabolla vs. Aamon et al. Office of the Sheriff of the County of Santa Clara.

"I hereby certify and return that I received the annexed writ of restitution in the above settled cause on the 11th day of March, A. D. 1861. I proceeded to the premises described in the said writ, and that I did then and there attempt to execute the same, but I was prevented from executing said writ by force and arms by the defendants herein and others: And I further certify and return that I summoned to my assistance the force fo the County of Santa Clara in due form, to be and appear in the courthouse in this City of San Jose on the 9th day of April, A. D. 1861, at 10 o'clock a. m., to aid and assist me in executing the said writ:and that at the last mentioned time and place the citizens failed and refused so to assist me, and I was not able to execute the same. I therefore hereby return the said annexed writ unexecuted; and certify that I have not been able to execute the same, for the reasons hereuntofore stated.

"Dated, San Jose, this 1st. of April, A. D. 1861.

"Jno. M. Murphy,

"Sheriff of Santa Clara Co.

"Fees: Mileage and necessary expenses, \$16, in attempting service on March 18. Summoning posse of 378 citizens, \$189. Mileage, \$310."

244. SETTLERS' WAR

At Evergreen resistance was no joke. The late Otis Blaben of Saratoga and George W. Stewart of Santa Clara told me how they and a dozen other Saratogans transported on a wagon all the way to Evergreen the iron cannon of Saratoga. Gravely it was planted and loaded with scrap iron. The Sheriff was informed that they were ready for him. Colonel Ari Hopper, who lived near the Mount Hamilton Road, was in command. With him was a sword that he said had been carried by General Jackson at the Battle of New Orleans and, declared the Colonel, it had never been worn by a braver man than Colonel Hopper of Evergreen. Colonel Jackson of Milliken's Corners, who had been in the Mexican War, was another conspicuous figure.

In addition to cannon there were other arms. Settlers had pick handles, double-barreled shotguns, flintlocks, Colts six-shooters and rifles. The settlers went into camp near Oak Grove schoolhouse.

Sheriff Murphy went to Evergreen, but he did not confront the settlers. He knew it was the only way to avoid bloodshed.

When the settlers saw that the Sheriff hesitated to enforce the law they had a picnic. They opened their food baskets and their refreshments were from Krumb's Brewery. They were in a hilarious mood. They felt that they had won a great victory, and that the settlers of Evergreen would never be ejected from their land.

In the evening they came back to San Jose, where it is

said they vowed to lynch William Matthews, the attorney for the Chaboyas. One of those present on the occasion tells me that Mr. Matthews was nowhere to be found, though every adobe in San Jose was searched. It is said that Matthews was hidden by a Spanish woman, and so, his life was saved.

Sheriff Murphy made an address to the settlers, telling them that he hoped they held no ill feeling against him; he was only carrying out the orders of the court. They answered in cheers that they understood.

The settlers had a reunion at Saratoga the following May day. Speeches were made by J. J. Owen and others. They thought that they had won their case, but they were mistaken. Soon afterward the District Judge, Samuel Bell McKee, refused to sit in San Jose because he would not hold court where his orders were defied. He closed the court.

Then came the Civil War with all its bitterness. Some of the settlers were from the South, and they lost interest in the struggle for the settlers' rights. In March, 1864, the case of Singleton versus Touchard was decided against the settlers. It was the last blow. Sadly the Evergreen settlers abandoned their homes. William Matthews, the attorney for the Chaboyas, became a large owner in the Evergreen holding, and he there died rich and victorious.

245. FATHER OF FREE PUBLIC LIBRARY

The late Mayor Adolph Pfister was the father of the free public library. More than anyone else he was responsible for its start. To it he gave his salary of \$1,612.62 while mayor. His suc-

cessor in office, Bernard D. Murphy, did the same thing.

In the free public library stands a photograph of the founders of the library. They were Judge D. S. Payne, president; Adolph Peister, vice president; C. D. Wright, secretary; C. C. Stephens, corresponding secretary; Henry Philip, treasurer; David Belden and A. C. Erkson, trustees. These men were elected to serve for one year from July 13, 1872. All are now dead.

The library was incorporated as the San Jose Library Association. One of the strongest forces in forming the society was J. F. Thomas, a carriage maker, who canvassed the town and interested many in the idea of having a reading room. Funds were collected to buy the Y. M. C. A. library. George Fentriss was the first librarian. There were 25 live members and 300 annual and monthly members.

In 1880 the library was turned over to the city, and it was accepted by Mayor John Reynolds and the council. The first board of trustees consisted of John Reynolds, Jacob Rich, Adolph Pfister, B. D. Murphy and E. J. Wilcox.

Adolph Pfister was one of the men best beloved in San Jose. He was born in Alsace Lorraine when it was under French rule. He came to California with Stevenson's regiment, arrived in Monterey and went to San Francisco. While there one day he saw in a blacksmith shop the familiar face of a young German. He recognized Karl Glein, a youth with whom as a boy he had gone on foot through Italy. They had promised to meet in Paris, but lost sight of each other. Here in the strange new struggling town they fell into each other's arms after the fashion of young continentals. Their friend-

ship was renewed. They talked of Europe. Young Glein told Pfister of the pretty sister he had at home. Pfister asked him to send for her. Glein promised that he would one day, but the day did not come till he made a fortune in the mines.

Then Glein himself went home to Germany with another man. Glein took with him the first California gold ever seen in Germany. He was a magician straight out of magic land. All Germany talked of him. He was summoned before the Grand Duke of Hesse and made to tell about the great golden west. Miss Louise Glein did not know that this man so feted was her brother. But he was.

When Glein went home to Germany he not only had a hair trunk of gold, but he told her that she must go to California with him. There was a husband awaiting her, young Adolph Pfister.

Miss Glein came to California on a two masted sailing vessel with her sister, Mrs. Henry Messing, of San Jose. The journey lasted seven months. Miss Glein became the wife of Adolph Pfister in Grace Church, San Francisco, in 1850. Her daughter, Miss Emily Pfister, showed me the hair trunk which conveyed the first California gold to Germany and which should be in a museum of pioneers. The surviving children of Mr. and Mrs. Pfister are County Clerk "Rick" Pfister, Herman Pfister and Miss Emily Pfister. Two children died, Judge Frank Pfister and Mrs. Schemmel, wife of Professor Schemmel.

Karl Glein left an estate worth millions in San Francisco. Mr. Pfister accumulated a large fortune, but he lost a great deal through the failure of Friedlander, the San Francisco grain broker. For many years the firm of Pfister and Waterman was the largest

in San Jose.

Like James Lick he was a free thinker, but he gave to churches. When the Methodists came to him for funds to build a church he gave \$1000. The church people under-estimated their needs and went back to him for a contribution to help furnish the church.

Again he gave. This time \$500. The church burned. Once more they returned to ask.

"No," said Mr. Pfister vigorously shaking his head. "I built God one church. If he is such a fool as to burn it up I won't build him another."

246. WHAT A WOMAN DID FOR FRUIT

"Doctor, why can't they can fruit as they do back East and sell it?"

In the year 1871 so spoke Mrs. Dawson, the young wife of Dr. Dawson, and the fruit canning industry of Santa Clara County began.

I have tried to trace beginnings of things in Santa Clara County and so, when I looked at Mrs. Dawson's strong, intelligent face I felt the impact of her vigorous personality. I was sure she had something to do with the first canning industry and so I asked, "Mrs. Dawson, who first thought of canning fruit, you or the doctor?"

"I," she quickly answered, "the Doctor was very cautious. Besides, I was considerably younger than he. We had some capital. We were looking for an investment. I knew how to can fruit and I thought of it. Only you mustn't say so. Don't mention me in the article."

Perhaps I promised, but it is immoral to keep some promises and some secrets. The secret that a woman started an industry that caused hundreds of thousands of acres to be planted in this valley was too important to remain unrevealed. Mrs. Eloise Jones Dawson, widow of Dr. James Dawson, was the mother of this valley's fruit industry. Dr. Dawson was only the step-father.

Mrs. Dawson was born in Pennsylvania. She taught school in Virginia. She married Dr. Dawson in Iowa. There her physician told her that she needed more outdoor life. It is hard to get outdoor life in a snow-bank, and so the Dawsons began thinking of California.

They found a copy of the Mercury Herald. They subscribed for the paper. They corresponded with the editor, J. J. Owan. He made them out their plan of travel. They left Iowa and five days later by way of Stockton and Niles they arrived in San Jose in 1870.

They bought a part of a wheat field at 1370 The Alameda. The wheat field was a subdivision of the Stockton Ranch. There they built a house. Their nearest neighbor was Rev. Baker, who lived in a "Horn" house, that is, in a house that came round the Horn. In the year 1871 Rev. Baker caused the Female Seminary and the Boys' College to be brought from Santa Clara and located on the former site of the University of the Pacific. Rev. Dr. Sindex was the first president of the new institution. This was the same year that the Dawsons started their fruit canning industry.

The factory was in the woodshed 12x16 back of the Dawson's residence. By a former marriage Dr. Dawson had a daughter, and by

his second marriage Dr. and Mrs. Dawson had a son, Ernest. These four began canning fruit. Their assistants were two Chinese boys who peeled fruit, and a clever old Chinaman who took charge of the kitchen range installed by the Dawsons in the woodshed. On the range was a shallow copper boiler large enough to hold two dozen tin cans. The fruit was put in a syrup in the cans and boiled with the tops open. After it was boiled the fruit was tested and the covers were soldered on. Mrs. Dawson made a trip to San Francisco to study the soldering and the labeling of the cans.

The tin cans were rather expensive. They were all made by hand by Mr. Campbell, who had a tin shop. Ernest Dawson used to drive into town and bring out eight or ten dozen cans at a time.

The first season the Dawson factory canned 360 cases of fruit. They bought the fruit in small quantities and paid for it 6 or 8 cents a pound. Apricots, peaches, and Bartlett pears were used the first year. Mrs. Dawson recalled that at the time there were few orchards. In driving about they used to see scattering fruit trees in gardens and they bought the fruit. Soon the neighbors discovered that there was a new market, and they came and offered fruit. Mrs. Dawson remembers some huge purple and gold egg plums bought of Dr. Hayden of Santa Clara.

The first year the Dawsons sold all their fruit wholesale to the Cutting Canning Company of San Francisco, the first canning company on the coast. The second year the Dawsons bought much more fruit and they gave employment to 25 or 30 of their neighbors. "Nice women they were, too," Mrs. Dawson said. "They wanted to earn pin money. Some came from Santa Clara and it was a very happy time

for the little factory. We were full of hopes of growth."

About that time there came to San Jose a brother-in-law of Mrs. Dawson. W. S. Stevens. He was a business man and helped them much in their sales. He remained with the Dawson Company but one year. He thought he could do better for himself and so he left and founded what became the Golden Gate Canning Company.

Some other partners were added to the baby concern. The grocers, Lendrum, Burns & Company, joined with Dr. Dawson and the business became known as J. W. Dawson & Company. This was later incorporated, and it eventually became the San Jose Fruit Packing Company of which J. Q. A. Ballou was president.

But the original Dawson plant remained in The Alameda. The lot was 50x500. More land was added for erecting buildings and warehouses. The business grew till 1886, when the output of the factory increased to 140,000 cases with from 300 to 500 men on the payroll. During this time Miss Dawson was secretary and treasurer of the company, and Ernest Dawson was active in promoting sales.

While Dr. Dawson lived the factory remained in the rear of the Dawson lot. After his death Mr. Bever of San Francisco became president of the company. The cannery, which now involved a great investment, was moved to Julian Street. Other factories had sprung up. Hundreds of orchards had been planted. The fruit business had been discovered. The hopes of the Dawsons were endless.

Then in 1886 in a night those hopes became ashes and ruin. The factory was burned. Everyone was discouraged. The offshoots of the Dawson company continued but the original factory became extinct.

Ernest Dawson alone of the family continued in the fruit business. He became the Chicago manager of sales in the Northwest of the Fruit Cannery Company. Of recent years the canners have combined with the Alaska fisheries, and their concern is one of the largest of the kind in the United States. Ernest Dawson is their representative in San Francisco.

Mrs. Dawson was sad when she recalled the end of their business child., but she was glad that her husband never knew.

248. BEGINNING OF UNIVERSITY OF PACIFIC

The Rev. E. Bannister crossed the plains in 1850 as the representative of the missionary society of the Methodist Episcopal Church, with the purpose of promoting education in California. It was the beginning of the first Protestant university in California. Mr. Bannister came to San Jose and in December, 1850, opened Bannister's English and Classical School.

The San Jose Academy stood at the corner of Second and San Fernando Streets. The school numbered about fifty pupils. Mr. Bannister was a graduate of Wesleyan University.

In nine months Mr. Bannister's school made so much progress that it was decided by a number of prominent Methodists that it was advisable to enlarge the Bannister school and call it the San Jose Academy. A board of trustees was appointed to have entire control of the school and buildings. They had power to dismiss teachers and also the authority to name their own successors. While the Methodist Church had no direct authority over the academy, the trustees passed a law that the annual conference of the Methodist Episcopal Church should be empowered to appoint five visitors to at-

tend the examination of the academy. The visitors were privileged to sit with the board and participate in deliberations, but not to vote. The trustees of the San Jose Academy were G. B. Tingley, C. P. Hester, Z. Jones, Joseph Aram, J. F. Reed, Isaac Branham, J. D. Hoppe, A. Vestal and E. Bannister.

The announcement of the opening of the San Jose Academy made in the Weekly Visitor of September 8, 1915, was as follows:

"The trustees of the San Jose Academy desire to inform the public that the English and Classical School which has been in operation in this city during the last nine months under the care of the Rev. E. Bannister, A. M., is to be enlarged and made permanent under the appellation of the San Jose Academy. For this purpose the institution has been incorporated according to law and placed under the control of a board of trustees. A suitable building has been purchased and fitted for use and the requisite arrangements are being made to afford all the advantages desirable in a boarding and day school.

"The Academy will be under the charge of Mr. Bannister, as principal, assisted by an efficient preceptress, a teacher of music and other teachers as the wants of pupils may require.

"The course of study embraces a thorough training in the common English branches, instruction in the natural sciences, the higher mathematics, the Latin, Greek, French and Spanish languages. Though arrangements for teaching Spanish are not yet completed, the deficiency will not long continue. Suitable prominence will be given the study of chemistry, physiology, botany, geology, zoology and other branches of natural science. Students in the female

department will be furnished with instructions in the ornamental branches, music, drawing, painting and needlework. Weekly exercises in declamation and composition are considered indispensable.

"The young ladies will be under the immediate charge of the preceptress, who will try to improve the manners as well as to inform the mind of the pupils. A primary department will be established for the benefit of small children of both sexes, and placed in charge of a competent instructor.

"The year is divided into two sessions of twenty-three weeks each; the first now opening. Students will be received any time, but the sooner they enter the better for them.

"Tuition in the primary department embracing reading, spelling and a variety of oral exercises, per quarter or half session, \$10. The common English branches including the above and arithmetic, geography, English grammar, history, penmanship, book-keeping and composition exercises, \$15. The higher English such as natural philosophy, chemistry, algebra, geometry, etc., \$20. Latin, Greek, French, or Spanish, \$5 additional. Drawing, painting and ornamental needle-work, \$10 extra. Music,---. Board per week \$7.00. Boarders are desired to bring their own bedding, towels, etc., but if not convenient they can be supplied at a small additional charge. A limited number can be received into the family of the principal, and satisfactory arrangements can be made for all who apply.

"To those who desire it additional information can be supplied by the principal."

In an announcement dated December 5, 1851, the Visitor

describes the first commencement at the San Jose Academy, which took place December 5, 1851. It consisted of a program of declamations, compositions and music. The editor declared that he had seldom spent a more pleasant hour than passed by him at the commencement exercises.

On May 3, 1952, the advertisements in the Weekly Visitor showed that Mr. and Mrs. Bannister had been transferred to the Academical department of the University at Santa Clara." The Academy of San Jose, however, was evidently still in existence. Their exhibition took place at the Court House June 2, 1952. J. M. Kimberlin, was the preceptress, and the teacher of drawing, music, painting and ornamental needlework was Miss J. B. Winlack. Miss Winlack was a Scotch woman, one of the first teachers in San Francisco, who came to San Jose to give private lessons in music to the daughters of James Frazier Reed. She was killed in the explosion of the Jenny Lind just as she was on her way to Scotland. Her guitar is now in the possession of the Reed-Lewis family.

Mrs. Kimberlin was the sister of the famous street preacher, who afterwards wrote a book on California and became Bishop Taylor. Mrs. Kimberlin had a beautiful soprano voice and later sang in the old adobe church at Santa Clara.

The Kimberlins also left the San Jose Academy and became a part of the University of the Pacific or the Pacific University at Santa Clara, as it was sometimes called. An advertisement of the San Jose Academy which appeared August 25, 1853, announced that Samuel Lea. A. M., was principal, and that Orrin Hines was assistant. They declared that the academy was under the control of no religious

denomination, but that the morals of the pupils would be guarded. Parents and guardians were assured that the government would be mild but firm.

249. UNIVERSITY OF THE PACIFIC PART II

In 1853 the "Brick College" and the "Female Institute" of the University of the Pacific were completed. Every one of the 60 rooms of the "Female Institute" was soon occupied. Before the "Brick College" was ready to receive pupils the "Female Institute" was finished.

From 1852 to 1854 the Revd. Dr. Edward Bannister was principal of the preparatory department. When his resignation was reluctantly accepted, Dr. M. C. Briggs, a clergyman, in 1854, was elected first President of the university, but he never fully entered upon his duties of office. Mrs. Briggs was the first President of the "Female Institute." The Briggs afterwards resided at Pacific Grove. Their sons were clergymen, one of them being the Rev. Arthur Briggs.

At the time Mr. Briggs was president with him was Dr. A. A. Gibbons, professor of pure and mixed mathematics. Dr. Gibbons was a man much beloved for his sweetness and gentleness. He had great ability. He was twice President of the university, from 1857-1859 and from 1872-1877. His last term was at a crisis in the history of the institution and was of great help.

Another of Dr. Briggs' associates was the Rev. William J. Maclay, professor of Latin and Greek. His brother, the Rev. Charles Maclay, was at the head of the boarding school for boys. Charles Maclay was pastor of the first adobe Methodist Church in

Santa Clara, and helped build it. Charles Maclay was a member of the legislature from Santa Clara. He was largely interested in speculation and lands. Soon he gave up preaching and managed his San Fernando ranch for Senator Stanford. He became part owner of the property and died a rich man.

The Maclays came of a family of Methodist clergymen and successful men. Samuel Maclay, who several times visited Santa Clara, was a missionary in Africa. Two of their brothers were clergymen in Pennsylvania. One of their nephews was the late John Widney of Los Angeles. John Widney for 25 years was treasurer of the university and the executive member of the executive committee. At various times he has aided the institution by quiet, unostentatious benefactions.

At the time when Mr. Briggs and Mr. Gibbons were at the University of the Pacific Professor James M. Kimberlin, formerly of San Jose Academy, was professor of Greek and modern languages. When Mr. Kimberlin retired from the university he settled in Santa Clara.

Dr. G. S. Phillips later was at the head of the "Female Institute." The Phillips had a family of four girls and returned east.

The "Female Institute" was in the center of Santa Clara, on the northwest side of the square on the first map of the town made by William Campbell and marked "corral." The institute had been painted, the center taken away and apartments have been built on the site of the institution of learning.

The boys' college was on the west side in Santa Clara Street. The building has been destroyed and the site has been con-

verted into town lots.

Although in the beginning the boys and girls had separate class rooms at the university they went into some classes together. The girls had no apparatus in chemistry and physics, and so, they entered these classes with the boys. The young women were chaperoned to the classes and back. The men did not attend any classes in the seminary.

In 1858 in the old adobe church the first class was graduated. At that time feeling between the northern and the southern states already had become bitter, and one of the men students refused to walk under the American flag. In consequence he did not get his diploma until later. Dr. Gibbons gave diplomas to the other graduates. Those who made up the class were: Thomas Laine, Joseph C. Hamer, John W. Owen, son of Dr. Owen; Dewitt, Vestal, Elijah Hook, Martha J. Hughes, Mary A. Miller. Mary B. McDonald, Emeline Brickett and Mary Smith.

250. UNIVERSITY OF THE PACIFIC

PART III

The late Mrs. Lucy Higgins had a catalogue of the University of the Pacific of the academical years 1858 and 1859. At that time Mrs. Higgins was Lucy Smith of Santa Clara. She was in the primary department. From the catalogue I learned that the Rev. M. C. Briggs was president. The board of trustees consisted of the following clergymen: J. D. Blain, William Taylor, S. D. Simonds, Charles Macakay, A. S. Gibbons, Jesse T. Peck, G. S. Phillips, E. Thomas, A. Bland, H. C. Benson. Physicians were represented by John T. McLean, B. F. Headen and A. W. Saxe. Joseph Aram, who was a captain under Fremont and a pioneer nurseryman, and William M.

Lent were the only private citizens on the board. Charles Maclay was secretary and the Rev. E. Thomas was treasurer.

The faculty at that time consisted of Rev. A. S. Gibbons, A. M., who was president and professor of mental and moral philosophy; James M. Kimberlin, A. M., professor of natural science; O. S. Frambes, B. S. Professor of mathematics; J. Morrison, M. D., professor of pathology and principles and practice of medicine; Isaac Rowell, M. D., professor of chemistry; R. Beverly cole, M. D., professor of physiology, obstetrics and diseases of women; E. S. Cooper, M. D., professor of anatomy and surgery; B. R. Carman, M. D., professor of materi medica; George Barstow, professor of forensic medicine.

In the "Female Collegiate Institute" the faculty consisted of the Rev. George S. Phillips, principal and professor of mental and moral philosophy; Rev. James Rogers, A. M., professor of mathematics and natural science; Mrs. Elizabeth Phillips, preceptress; Miss Mary H. Thomas, assistant teacher in the English department; Miss Mary A. Miller, teacher of ornamental branches; George Schuck, teacher of instrumental and vocal music, French and German. At that time the "total number of males" in the university was 112. The "total number of females" was 66.

In the senior class in what they called the "male department" were: Charles S. Smith of Russian River, Charles N. Senter of Santa Clara, and George W. Blackford of Santa Clara. In the junior class were Thomas A. Caldwell of Stockton, Watson F. Hughes of San Lorenzo, George S. Hughes of San Lorenzo, and Uriah Squires of Santa Clara. In the "Female Collegiate Institute" the members of the senior class were: Sarah E. Garside and Julia E.

Lard of Santa Clara. In the middle class were: Lizzie Caldwell of Santa Clara, Maggie A. Raney of Santa Clara and Mary H. Thomas of San Francisco.

The catalogue states that all candidates for admission must produce testimonials of good character. No one under 14 years of age could be admitted to the freshmen class. Students were required to abstain from obscene and profane language. They were forbidden to enter gambling and drinking saloons. They were forbidden to go on pleasure excursions on the Sabbath. Young ladies when driving or walking were chaperoned. The one rule of the institution, it was declared, was the "rule of right." Tuition in the collegiate course was \$60 a year. Modern languages were \$30 a year extra. Music with the piano was \$100 a year extra. It cost \$20 a year extra to learn to make wax flowers. Leather work, raised embroidery, French embroidery were the same in price. Oriental painting was \$32 a year. Drawing was \$24 a year. Board was only \$6 a week, but students were compelled to furnish their own lights, bed covers, sheets, pillow cases, towels and napkins.

In the catalogue of 1858 and 1859 the announcement was made that a theological school had been established. The class was already receiving instruction from the professors of other chairs it was declared.

"It is not our purpose to teach dogmatic theology," runs the announcement, "but to train the mind and the heart in the great principles of virtue and piety which underlie all duty and constitute the only true basis of a symmetrical Christian life. We shall aim to prepare our students in this department, not so much to specu-

late about heaven, as to be able to guide men in the way that leads to heaven."

This project to establish a theological society came to nothing. It was probably based upon the fact that Dr. Dempster, a very wealthy man in the East, who had established a theological college at the University of Boston, was to have come here for the same purpose. He fell ill and died under the surgeon's knife, and so, the University of the Pacific contented itself with religious training for all students.

At the University of the Pacific about this time was given the first instruction ever presented in medicine on the Pacific Coast. Dr. R. Beverly Cole was the father of the medical college. On Sept. 22, 1858, the board of trustees accepted his proposition to establish in San Francisco a medical department of the University of the Pacific. The first medical course ever given on this coast commenced the first Monday in May, 1859. The medical faculty was headed by Dr. R. Beverly Cole as dean.

The first class graduated from the new medical college consisted of A. A. Atkinson and C. A. E. Hertell, who later lived in College Park. The work of the department was interrupted in 1865, but reorganization was effected in 1870. Two years later the work was again suspended. Soon the department was organized as the Cooper Medical College of San Francisco. Later this institution was absorbed by Stanford University.

251. UNIVERSITY OF THE PACIFIC

The University of the Pacific had made many vicissitudes. Perhaps its greatest period of turmoil was during the Civil War.

Not all the battles were fought with firearms. Most of the earliest settlers of this county were from the South. Later came the abolitionists and the Northerners. For a brief time the Southern Methodists tried to have a college at Santa Clara, but it was not a success. Many of the students of the University of the Pacific were Southern sympathizers. One of the students at that time told me that she recalled a hand to hand fight had by her with a Southern girl in the belfry over whether the American flag should be allowed to fly. The Northern girl told me that she won.

During this very tempestuous season fortunately Dr. Bannister with his wisdom and foresight was recalled to the prident's chair. His tact helped enormously to smooth the troubled waters. To add to the difficulties of the situation Dr. Bannister found himself in great need of funds. He joined with Mr. Kimberlin in a petition to the trustees as follows:

"We, the undersigned, connected with the U. P. respectfully represent to your honorable body that it is impossible for us to liquidate indebtedness that we have been compelled to incur in the past and to meet present demands, and we, therefore, hope that in your wisdom, you will take measures that will afford us relief from present pecuniary embarrassments."

The letter was dated June 11, 1862.

One of the reasons for the lack of funds at the time was the manner of raising them in the beginning. In the pioneer days strenuous measures were resorted to. Rev. Isaac Owen valiantly traveled throughout the State going to the most remote mining camps obtaining money in advance for scholarships. In this way he procur-

ed considerable money but later the students came in great numbers, using the paid-up scholarships. There were students to be taught, but no money to pay professors with. Dr. Bannister took the matter in hand.

"Father" Owen, as he was called, was an old fashioned Methodist. So was his wife. She objected to violin music in a church. John Cook of Cook's Grove played well the violin. "Father" Owen asked him to play in church. Mrs. Owen was so incensed at this that she thrust her head out of the church window and said that she would not listen to the devil's music in her church. Notwithstanding all the work that Isaac Owen did for the university his grave in the Protestant Cemetery at Santa Clara is practically abandoned.

At first Dr. Bannister met with little encouragement in collecting funds. On June 4, 1862, the board of trustees received a letter from W. S. Turner, financial agent of the university, of which this is a part:

"Not more than half of the ministers give me a cordial welcome to their fields; I find it intolerably discouraging. But one or two ministers of all who subscribed last conference paid anything, and those were small sums. The cry is "Hard Times!" with ministers and people and most I call upon advise me to postpone until times get better. I fear I shall not get enough between this and the conference to meet anything like my traveling expenses, to say nothing of the large deficiency from the first of the year up to this time. I would prefer to drop the agency at the close of my present trip with the consent of the board of trustees."

Always the debt of the university grew larger and in 1865 it was \$10,000. The trustees voted to discontinue the instruction in the men's part of the university. At this point some of the professors donated one-third of their salaries that the work might go on.

In order to meet the situation Rev. G. R. Baker, father of the late Mrs. Lulu Blanchard, was appointed financial agent. Then was planned the removal of the university to its new site. In 1860 the trustees bought from the Southern Pacific 435 acres of land between the towns of Santa Clara and San Jose. In 1871 the university was moved to where it stood before it was removed to Stockton. Some 20 acres were set aside for the use of the university. The remainder, 400 acres, was sold for residence lots. The lots were disposed of at auction and this paid for the change in location. On September 10, 1870, the cornerstone of the West Hall was laid. The orator of the day was Thomas H. Laine, one of the first graduates. He was followed by Dr. Sinex.

The building was completed and furnished at a cost of \$30,000. It was first occupied in the spring of 1871. Other buildings erected later were: East Hall, Central Hall and the Conservatory of Music. The Jacks-Goodall Observatory was a great benefit to the university.

Under Dr. C. C. Stratton's rule of 10 years the university came into its own. Some of those who helped materially at that time were: Captain Charles Goodal, David Jacks, Justus Greeley, John Widney, James A. Clayton, E. W. Playter, Peter Bohl, J. W. Whitney, M. C. Briggs, J. E. Richards, C. H. Afflerbach, Judge

Annis Merrill, President Stratton and Senator Stanford. Even after Stanford University was opened Senator Stanford contributed to the University of the Pacific.

After President Stratton left and Dr. Hirst came and apparently the university was on a solid basis, the institution began its real life and death struggle. The difficulty arose over student discipline. As a result Professors T. C. George, Charles E. Cox, W. W. Thoburn and D. A. Hayes, four very popular professors, resigned. The students left in great numbers to enter Stanford, which had just opened, and the president himself resigned.

Affairs did not go entirely satisfactorily with the university until it was decided in 1896 to unite with the Methodist Napa College which was not making satisfactory progress. At last under the administration of Dr. Eli McClish, president; Dr. H. B. Heacock as financial agent, and Jere Leiter as treasurer, the university was enabled to pay its heavy debt of \$60,000.

The complete list of the presidents of the University of the Pacific and their years of service is as follows:

Edw. Bannister (Principal)	1852-54
M. C. Briggs (First Pres.)	1854-56
William J. Maclay	1856-57
A. S. Gibbons	1857-59
Edw. Bannister (Pres.)	1859-67
Thomas H. Sinex	1867-72
A. S. Gibbons	1872-77
C. C. Stratton	1877-87
A. C. Hirst	1887-91
Isaac Cook	1891-93
W. C. Sawyer (Acting Pres.)	1893-94
J. N. Beard	1894-96
Eli McClish	1896-06
M. S. Cross (Acting Pres.)	1906-08
W. W. Guth	1908-13
B. J. Morris (Acting Pres.)	1913-14
John L. Seaton	1914-20
Tully C. Knoles	1920

About 1910, under the presidency of Dr. Guth, it was decided to call the university the College of the Pacific.

In later years the college has been greatly aided by O. A. Hale, L. C. Kert, A. E. Pomeroy, L. C. MacChesney, T. H. Woodward, J. H. Brush, G. D. Kellogg and Rolla V. Watt.

West Hall was lost through fire, but in spite of fires, wars, rival wealthy institutions of learning, internal dissensions the college has steadily progressed.

252. WAR TIME IN THE UNIVERSITY OF THE PACIFIC

Civil war on battlefields almost caused civil war at the University of the Pacific.

The late Heman A. Saxe recalled for me a few years ago the student days at the university just before the war broke out. Mr. Saxe came to California from Vermont and Wisconsin in 1859. He taught school for 30 years in California. He was the brother of the late Dr. Saxe, one of the pioneer physicians of Santa Clara. For four years Mr. Saxe was principal of the Grant School. Mrs. Saxe was Miss Flora Jane Daniels, daughter of the late "Father" John Daniels, the pioneer Methodist minister of Santa Clara. Mrs. Saxe studied music in the old days at the university, and is one of the best music teachers ever known in San Jose.

Mr. Saxe said that feeling was extremely high in the days preceding the Civil War. The flag was the great source of conflict. Fully half the students in the university were Southerners, and they made the demand of President Bannister that the flag come down. They declared that they had as much right as the Northerners to decide about flying the flag. Immediately the president's decis-

ion came in favor of the flag. It was left on the flagstaff of the tower of the Brick College. Students took turns watching it day and night.

Several times the flying flag almost caused a riot. Mr. Saxe recalled when on Washington's birthday the Southern boys made a rush up to the third story where were the Northern students, with the purpose of tearing down the flag. One of the Southern boys started to climb the ladder leading into the tower where was the flag. One of the Northern boys, who formerly had been a sailor, and, in consequence, was very strong, grabbed the Southerner and was about to drop him three stories to the ground, when Mr. Saxe had the foresight even in the heat of the conflict in wartime to save the Southerner's life. Probably a great tragedy was thus spared the university.

Not only was the flag kept flying at the university, but in the public square of Santa Clara. A man was hired day and night to watch the flag. He slept by it at night, and the students of that time are proud of the fact that the flag was never allowed to fall. However, the man who watched the flag came to a tragic end. He went to work in a butcher shop, took to drink and was hanged in the San Jose jail yard for stabbing a man with a dirk.

The commencement exercises in 1862 were very exciting. In those days they were held in Cook's Grove, because there was no hall large enough at the university. The Northern students insisted on having the flag in the procession. The Southern students would not march with them. Stephen Hatch of Watsonville wrapped the flag around him and so marched, defying the Southerners. There was no

violence, although several of the Southern students refused to take their degrees because it meant marching with the flag. They went to the old South Methodist College at Vacaville and there got their diplomas. Some of the Northern students were sympathetic with the Southern students, and although they took part in the commencement exercises they tried to sabotage the program, as it were, by making as bad a showing as possible.

Among the girls at the seminary feeling was just as high, and sometimes they indulged in hair pulling. Mrs. Laura Fitts Herold, mother of the Herold brothers, was one of the most intrepid defenders of the flag. During the Civil War patriotism quelled cupid, and the Southern and Northern girls refused to accept the attentions of any men but those of their own political sympathies.

253. BUILDING THE CONSERVATORY OF MUSIC

A woman planned the Conservatory of Music at the College of the Pacific. That woman was Mrs. Helen Kingsbury. The late Mrs. Lulu B. Blanchard, former secretary of the Ladies' Conservatory Association, told me that for years the entertainments of the University of the Pacific were held in what was called the College Chapel of West Hall. The music rooms were adjoining on the same floor so that the pupils had a long and weary climb in going to and from practicing.

One morning of the commencement of 1885, while standing in the Emendian Society room which opened into the crowded chapel Mrs. Kingsbury felt alarmed at the thought that in case of a fire alarm many would be injured before any could escape. Turning to Miss Leffler Mrs. Kingsbury said, "If the men can't build a chapel the

women must."

In the afternoon Mrs. Kingsbury and Miss Leffler had a talk with Dr. Stratton. He said it was a big undertaking. He was still raising money to pay on a brick building, East Hall. He asked them to wait a year before they did anything else in the matter.

Mrs. Kingsbury and Miss Leffler did not forget during that year. They again approached Dr. Stratton just before going to the conference. This time he told them that anything they had so much in their hearts would succeed. Immediately a circular was written asking a number of women who were expected at the conference to be present at a meeting on Saturday afternoon. The meeting for the purpose of raising funds for the chapel for the university was called at Pacific Grove by Mrs. Kingsbury and Miss Leffler. It met October 4, 1886.

At this meeting it was decided to invite the women of the Pacific Coast to unite and erect a building and present it to the university as a testimonial of their appreciation of the institution opening its doors to women.

Plans of organization were drawn up and presented. Mrs. Kingsbury was elected president of the association and Mrs. Stratton president pro tem. Headquarters were to be at San Jose. The name chosen was the Ladies' Chapel Association of the University of the Pacific, Auxiliary associations were organized throughout the State. The object of these was to collect funds by lectures, personal solicitation for erecting and furnishing a building, a chapel and assembly room to be used by the students of the university and their friends. The entire expense was to be assumed by the asso-

ciation, and the building was to be presented to the trustees free from debt.

At the meeting the following officers were elected: Mrs. Helen Kingsbury, president; Mrs. Wesley Denmet and Mrs. Saxe, wife of Dr. Saxe, vice presidents; Miss Mabel Urmy recording secretary; Miss Mollie Stratton, corresponding secretary; Miss Kate Leffler, treasurer; Mrs. R. L. Higgins, Mrs. Bishop Fowler, Mrs. R. Bentley, Mrs. T. S. Dunn and Mrs. J. P. Macauley, executive committee.

Mrs. Heacock on that occasion gave the first dollar, Mrs. L. M. Carver the second and Mrs. S. A. Searle the third. The first public meeting for the society was held in the First M. E. Church, San Jose, on Saturday, October 2, when a branch organization was effected with Mrs. T. Kirk as president. Within a week architects were at work on the plans. Branch auxiliaries were organized in San Francisco, Stockton, Santa Cruz, Milpitas, Santa Clara, Modesto, Gilroy and Sacramento.

A floral fair gave the San Jose auxiliary \$2200. Musical festivals were also held. An interesting "hard times" party was arranged. The booths were in bales of hay which were given for the occasion and afterwards sold. Mrs. Blanchard had in her living room a stool which is a bit of rough, painted redwood bought at a "hard times" party. A considerable sum of money was obtained by 100 ladies taking a box and each promising to raise \$30. Mrs. E. O. Smith and Mrs. B. C. Langdon showed great energy collecting funds and were of immense help.

Breaking of ground took place on June 1. Mrs. Kingsbury and Dr. Briggs were the principal speakers. Professor Loui F. King

made an explanation of the building plans.

By January 4, 1889, the large sum of \$19,228.50 was raised. Architects were changed and with the change in architects it was decided to erect a wooden instead of a brick building. According to the new plans the building was to cost \$35,000, and the ladies agreed to raise half that amount. The trustees agreed to carry the balance for them as soon as possible so that the erection of the building could begin at once.

The building was completed and a dedicatory concert was given on Friday evening, May 23, 1890. The chorus consisted of 150 voices, supported by a complete orchestra of 40 pieces. Among these were members of the Philharmonic Society under the leadership of Professor Wesley Martin. Among the soloists were Miss Carrie Milzner, Miss Anna Wood, Emmett Rixford, H. B. Pasmore, all from San Francisco. The cantata was an ode of music. The words were written by Miss Lulu Mayne, a member of the senior class at that time, and the music by Professor King. At the close of the entertainment the audience went wild with enthusiasm.

Through the efforts of Messrs. Tregoning and Nickerson a flag had been purchased and was raised that same day. The first haccalaureate sermon was preached by Dr. F. F. Jewel, Sunday, May 26, at 11 o'clock. After this the formal dedication of the chapel was made by Dr. Hirst, A. J. Clayton on behalf of the board of trustees made the presentation of the building.

Beautiful as was the building it is doubtful whether the success of the institution would have been so conspicuous but for the work of Professor Loui F. King.

Mr. King was an educated Englishman. He came first to San Francisco, where he remained a few years, and then came to the University of the Pacific, where he taught music. Until he arrived at the University of the Pacific there had been no classical musicians in the valley. Professor Lawrie and Professor Schuck were good all around musicians. The students sang and played very nicely "Lily Dale," or "Belle of the Mohawk Vale," but they knew very little classical music. In fact, when Clara Louise Kellogg, the soloist, came into the valley it is said that she declared that the knowledge of music was not much beyond a keen appreciation of "Yankee Doodle."

Mr. King was a musician of authority and accomplishment. He built up the conservatory along the lines of the best European conservatories. Presidents of the university aided Mr. King in every possible way. The late Mrs. Lucy Higgins of Santa Clara said that she was deeply grateful to Dr. King for his talks on composers, on how to listen to music and on his interpretations of the greatest creators and on his insisting on high standards in both vocal and instrumental music.

After Mr. King left the University of the Pacific he went to Portland. Later he founded a conservatory of his own in San Jose. At one time in San Jose he had a large oratorio society. He it was who was first to give a full oratorio with a full orchestra. For 20 years Mr. King continued his work here. He died in 1914.

254. MAKING THE UNIVERSITY OF THE PACIFIC GO

The late Mrs. Lulu Blanchard, daughter of the late Rev. Greenbury Ross Baker, before her death talked with me of the work of

her father who at a most critical time in the history of the University of the Pacific put it on a greatly improved basis financially. For several years before his death Mr. Baker was the financial agent of the university. In fact, he died in its service.

Mr. Baker was a Pennsylvanian. He suffered so much from ill health he was ordered to California on account of delicate lungs in the year 1864. He was so weak that it was feared he would never reach the State alive. On coming to California he preached in Marysville and North San Juan and in 1865 he came to Santa Clara and became the financial agent of the University of the Pacific. At that time a financier was badly needed at the university, for it was \$20,000 in debt.

Mr. Baker had much financial ability, and he saw that the university could never grow in the cramped position that it was in at Santa Clara. He was convinced that it should be moved to a great wheat field of several hundred acres on the old Stockton ranch, then belonging to the Southern Pacific. To the Methodist conference he presented the matter, but like many new ideas, it was not hospitably received.

"Brother Baker, you're crazy! We are in debt now!" was the comment.

Mr. Baker was a man of faith and action. He thought that the only way to get out of debt was to get into debt more. He would not give up the idea of moving, and he insisted that they must buy the land between Polhemus and Newhall Streets. The purchase was made and the old Baker Blanchard Horn house stood in the corner of the lot. The house was lately removed to make way for Mrs. Lulu

Blanchard's new residence.

After Mr. Baker persuaded the trustees to buy the large wheat field surrounded by a wire fence he was tireless in his efforts to raise \$100,000 for the university. He sold lots to meet the expenses of moving, and Mrs. Blanchard recalled that one was disposed of by moonlight while her father held the lantern for the purchaser, a woman. The streets bounding the university property were named Newhall and Polhemus after their former owners. The parallel streets were named after bishops of the Methodist Church. McKendrie, Asbury, Emory, Hedding, Morris and Hamlin.

Wherever Mr. Baker spoke it was always for the university. He preached at the Presbyterian Church, San Jose. Every Sunday afternoon he went to Berryessa and held service. Often he preached in Calaveras valley. So indefatigable was Mr. Baker, and so quick was the public to respond to his appeals for funds for the university that at the end of a year he had collected \$64,000. In October, 1869, he died as the result of venturing out to defend the title of the Stockton ranch, but his work and energy are never forgotten by the older people connected with the institution. After three years of Mr. Baker's labor it was declared that the assets of the university were \$125,000.

Mrs. Lulu Blanchard, Mr. Baker's daughter, had a great many of his sermons because Mr. Baker always wrote his addresses. Mrs. Blanchard's only surviving brother, Charles W. Baker, died ten years ago in Cincinnati. Another brother, Senator George F. Baker, died many years ago as the result of overwork, while he was in the Legislature at Sacramento.

225. GOLD

In Santa Clara County during the winter of 1848 were many unusual events. Snow fell three inches deep. When it melted it caused almost a flood. Mr. Osborn built the first brick houses. One was at the corner of Fifth and St. John Streets, one in Fifth Street between St. James and St. John and one in St. John between Fourth and Fifth. On February 2, 1848, the day of the signing of the treaty Hidalgo Guadalupe which brought peace with Mexico, James Marshall rode into Sutter's Fort and announced the discovery of gold. General Bidwell brought the news to San Francisco. San Francisco went mad, San Jose went mad. California went mad, the United States went mad.

Prices soared in San Jose. Meat was 75c per pound with cattle running wild in the mustard fields. Flour was \$25 a sack. It came from Chile and it was very good if it arrived dry. Blue-jeans was 75c a yard. Milk was a dollar a quart. Eggs were \$4 a dozen. One ounce of onion seed was worth an ounce of gold. Mules brought \$300 and horses \$400. Cows sold for \$150 and \$200. Isaac Branham gave a house and lot for one of his famous fox hounds. Juan Bernal paid "Grandpa" Pyle a steer for a churn. Dentists asked \$5 for pulling a tooth. Carpenters asked \$17 a day, and no one wanted work. Everyone was wild to go to the gold fields.

Some San Joseans returned with saddle bags of gold. The Whitmans came back with a chest. John Murphy brought a barrel. John Cross, the carpenter, had a \$250 nugget.

The pueblo lost its charm. The Alcalde left. Merchants closed their stores. Charles M. Weber, Dr. Isabel, Dr. Corey,

John Murphy and James F. Reed departed for the gold fields. Only Harry Bee, Frank Lighston, James Weeks, Judge Peckham and some women and children were left in San Jose.

Harry Bee was the alguazil, a combination of Sheriff and jailor. He had in captivity some Indians charged with murder. He did not want to leave the women and children in San Jose to the mercy of the Indians and so, when he set out for the American River with his father-in-law and brother-in-law, the Morenos, he took along the Indians. Later, Bee was obliged to leave this place, and as the Indians were working well he left them in charge of the mine. But they all succumbed to drink and disappeared from the diggings.

Strangers rushed to the mines from the East and from Sonora, Mexico but few of the Sonorans were allowed to work. Americans felt that the gold belonged to them and the Sonorans were driven away. Later the Americans tried to recall them as laborers, but they had gone.

As a rule Spanish Californians did not hurry to the mines. Don Luis Peralta urged his sons not to go to the diggings. He said that God intended the Americans to have the gold or he would have revealed it to Spanish Californians. However, some of the Chaboyas and some of the Bernals went to the diggings.

San Joseans made an impression in the new gold fields. Weber's Creek was named for Charles M. Weber though most of his fortune was made by furnishing supplies. Don Pedro's Creek was so called for Pedro Sainsevain of San Jose. Murphy's Flat was the god-child of that very attractive figure of the early days, John Murphy.

John Murphy loved to gamble. Once in coming back from

the mines his pack teams laden with gold, while he was resting by the roadside, he wagered all the gold carried by his pack team that he could go to a stack of hay and pick out the longest straw. Murphy lost. He gave all his gold to his companion. Penniless he went back to the mines to wash out another fortune. Those were the golden days when gold seemed endless. People talked about "acres of gold!"

256. EARLY SUFFRAGISTS IN SAN JOSE

The late Mrs. Laura J. Watkins, mother of Mrs. Andrew P. Hill, organized the first suffragist society in San Jose. She was the widow of the late B. F. Watkins of Santa Clara and San Jose. She lived with Mr. and Mrs. Hill at their residence in Sherman Street.

Years did not weaken Mrs. Watkins' strong personality. Till her death she was a woman of great courage and intelligence. The first San Jose suffragist society really began when Mrs. Watkins attended the first suffrage convention held in San Francisco in 1869. The following year she organized a suffrage society in San Jose. Under her leadership suffrage made an earlier and happier entrance in San Jose than in most of the smaller cities in California. At that time equal rights for women aroused ridicule, but in San Jose leaders themselves inspired respect.

With Mrs. Watkins, very soon was associated Miss Sarah L. Knox, who later became the wife of Levi Goodrich, architect of the City Hall. Mrs. Goodrich was the wealthiest woman of her time in San Jose. Her father built the Knox block and was one of the pioneer bankers.

Together, Mrs. Watkins and Mrs. Goodrich went to Sacramento, and were instrumental in having placed on the statute books

the law permitting women to hold school offices. Judge Center framed the bill.

In the early days when Mrs. Watkins approached Senator Perkins for his influence, he asked, "How long have you been for suffrage?"

"I guess I was born that way," she answered. "I always believed I was just as capable of voting as my brothers."

At first Mrs. Watkins and Mrs. Goodrich did not work for national suffrage. Their purpose was to propagandize. Among those early to join the movement were Dr. A. E. Clarke. Dr. and Mrs. York, Mr. and Mrs. A. R. Woodhams, Mrs. Louisa Smith, Mrs. Hubbard McKee, Miss Sally Hart, Judge Center, C. C. Stevens and the Rev. and Mrs. Charles G. Ames. Mr. Ames was the Unitarian minister. Other devoted but later workers were Dr. and Mrs J. E. Brown, Mrs. C. A. Putney, Mrs. E. Collins, Mrs. A. T. Herrmann, Mrs. E. O. Smith, Miss Georgia Hall, Mr. and Mrs. Wallace of Mayfield, Thomas Rea and the Shortridges.

Many of them were excellent speakers and they drove about in bus loads and held meetings in Milpitas, Alviso and the small towns.

Mrs. Watkins and Mrs. Goodrich in the early days kept open house for visiting suffragists. Among those who came from the East to make addresses were Annie Dickinson, Mrs. Livermore and Susan B. Anthony.

Mrs. Watkins recalled that the San Francisco Chronicle ridiculed bitterly Miss Anthony. The newspaper spoke of her style of dress. Mrs. Watkins was very curious to see Miss Anthony.

Her speech was admirable and her dress was of plain black silk trimmed with lace, an appropriate and elegant costume for the time and occasion. While in San Jose Miss Anthony was a guest of Mrs. Goodrich, and so when Mrs. Watkins met her, she said: "Do tell me, Miss Anthony, what you wore in San Francisco that made the Chronicle ridicule you?"

"I wore exactly what I have on now," answered Miss Anthony.

Mrs. Watkins cited this as an example of the injustice of anti-suffragists. Another charge often made against the suffragists was that they wouldn't be mothers, and that they did not know how to cook and keep house. Mrs. Watkins was a mother, and so, she determined to exhibit her jellies and the products of her kitchen at the Santa Clara County Fair. She took five or six money prizes. One of her friends asked her why she contested for prizes when she didn't need the money.

"I wanted to show what suffragists can do," replied Mrs. Watkins.

Not content with carrying off prizes in San Jose, Mrs. Watkins and her friend and pupil in jellies, Mrs. Cox, invaded the Mechanics' Fair in San Francisco. So nearly equal in excellence were the products of these two friends, that the judges gave each a silver medal. Mrs. Watkins always kept her's. She considered it a medal for suffrage.

257. FIRST NEWSPAPERS

Politics created the first newspapers in San Jose. More than a dozen journals had been published in California be-

fore San Jose had any public print. In 1850 James M. Crane desired to be elected to the United States Senate and to further that purpose the "State Journal" was published. It made its first appearance Dec. 19, 1850.

About this time Senator Fremont was preparing for his campaign to be elected to the Senate, and so, he had published the Daily Argus. Its birthday was Jan. 4, 1851. The proprietors were C. M. Blake and Company. Neither the Journal or the Argus lived long after the legislature adjourned.

The first permanent journal in town was the San Jose Weekly Visitor. It made its appearance June 20, 1851. Messrs. Damon, Emerson and Jones were the proprietors for the first six months, then Damon withdrew. J. C. Emerson continued the paper with A. Jones as editor. Dr. Benjamin Corey gave the Visitor its first editorial chair. The name of the Visitor was changed to that of the Santa Clara Register.

Soon afterwards the first telegraph line came to San Jose, and in honor of the event the newspaper was christened the San Jose Telegraph and Register. The name was rather cumbersome for a small weekly paper, and Aug. 4, 1856, the word Register was dropped from the headline and the paper became the San Jose Telegraph, though it had no telegrams except those the local telegraph operator generously gave the editor.

In 1860 the Telegraph was bought by W. M. Slocum, at one time Collector of Internal Revenue. He was the brother of General H. W. Slocum who commanded Sherman's left on his march through Georgia. In 1861 the name of the Telegraph was changed

to that of the Weekly Mercury. J. J. Owen and B. H. Cottle were the proprietors.

J. J. Owen was one of the ablest men ever engaged in journalism in San Jose. He was a man of strong convictions. He had many friends, but, of course so positive a man as he also had enemies.

Mr. Owen came from Onondga County, New York. He was a teacher who had served in the New York Legislature. He was also President pro tem of the California Legislature. He was deeply interested in making San Jose famous. His project of building the electric tower was to that end. He made a vigorous campaign for funds. He thought the tower would light the entire town and would attract attention to San Jose all over the United States. Indeed, it was the only tower of that sort in this country.

One of Mr. Owen's devices for raising funds for the electric tower was to stage the costume play "Evadne." He made his first appearance on the stage on that occasion, and it was also the theatrical debut of Charles M. Shortridge. Shortridge had been Mr. Owen's office boy. For the performance Mr. Shortridge wore green tights and carried a spear.

Mr. Owen published the first issue of the Daily Mercury in November, 1860, in connection with the Weekly Mercury, but it was discontinued in 1862. In 1869 J. J. Comny came into the firm and the Daily Mercury resumed publication.

The Daily Mercury was discontinued in 1870. During this year Mr. Comney retired from the firm.

In 1871 Mr. Owen purchased the Daily Guide, a paper started in February, 1871, by Mr. Phillip Stockton and printer named Henry Hansborough who later became a United States Senator from one of the Dakotas. Already the Guide had absorbed the Daily Independent which was started May 7, 1870, by a company of printers. It was edited by Major H. S. Foote.

Major Foote was the first editor in San Jose to get telegraphic news for his paper. The Daily Independent was bought by Norman Porter in 1870 who in 1871 sold it to the Guide. Soon afterward Cottle bought a half interest in the Weekly Mercury, but in 1874 he sold it to Owen. In 1877 it was incorporated under the title of the Mercury Printing and Publishing Company, Mr. Owen holding a majority of the stock. Mr. Shortridge brought to the Mercury an Associated Press franchise.

In 1884 Owen sold his interest in the Merxury for \$8000 to Charles M. Shortridge, proprietor of the Daily Times. The name of the paper was changed to the Times-Mercury. In 1885 this journal absorbed the Daily Republic.

In 1898 Shortridge sold the Mercury to Clarence M. Wooster, who organized a stock company for its purchase. Wooster was head of the company. Some of the stockholders sold shared to Alfred Holman, later editor of the Argonaut. Wooster retired from the paper and in 1899 Holman became the owner. He sold the paper to the present proprietors E. A. and J. O. Hayes Aug, 1901. In the year November, 1813, the Mercury absorbed the Herald and became the Mercury Herald.

258. FIRST NEWSPAPERS

PART II

The San Jose Herald had a very interesting career. It's first journalistic ancestor was the Semi-Weekly Tribune issued by Mr. Givens George, July 4, 1854. Mr. George's daughter married E. J. McMannimon, at present of the Mercury staff. In 1855 the Tribune was published by George and Kendall. In 1859 it was sold to George O'Dougherty. In 1862-63 it was suppressed for eight months by General Wright for treasonable utterances.

In 1863 the Tribune was bought by F. B. Murdock, who changed its name to the Patriot. Mr. Murdock was a Republican and a Swedenborgian. He wore a great white hat and had a face like an apple. In 1875 he sold the paper to his son, J. G. Murdock, and S. G. Hines. In 1876 it was purchased by James T. Murphy, who bought it for political reasons and changed its name to the Herald. In 1878 the Herald purchased and absorbed the Santa Clara Argus, established in 1866 by W. A. January. Mr. January became the editor of the Daily Herald. Mrs. January was the sister of the late A. P. Murgotten.

In the year 1886 Mr. Murphy sold the Herald to H. H. Maine and J. F. Thompson. About 1898 they sold the Herald to Charles M. Shortridge. In December, 1900 it was bought by E. A. and J. O. Hayes and it was run as an evening paper. The evening franchise was sold to the Times-Star in November, 1913, and in the year 1913, and in the year 1913 the Herald ceased publication as the Herald, the Mercury and Herald being merged.

Many papers have come and gone in San Jose without having been absorbed by either the Mercury or the Herald. The San

Jose Daily Reporter was started in 1860 by W. Frank Stewart, a poet and scientist.

Frank Stewart and Mark Twain once were great friends. Twain came to San Jose to lecture. Stewart obtained for him the hall. Clemens, Stewart's friends say, in return went away with all the profits and left Stewart the debts. Stewart was liberal and did not mind that, but when Twain held him up to ridicule in the Alta he went wild. Stewart invented a machine for recording earthquakes. Mark Twain wrote that every time a pig leaned up against Stewart's house and scratched itself Stewart thought there was going to be an earthquake. This caused considerable unpleasantness in the relation between Stewart and Clemens. Stewart was one of Walker's men. He challenged Clemens to a duel, but Clemens apologized.

Stewart's paper, the Reporter, was changed to a weekly but after a few months it was discontinued.

The Daily and Weekly Courier was started in 1865 by George O. Tiffany, but its life was only a few months. The Saturday Advertiser was published August 11, 1866. It was discontinued February 19, 1869.

The Daily Press was published by J. J. Conny for a few weeks during 1872. The Reporter with H. A. de Lacy as editor lasted three months during the year 1872.

Another paper of brief existence was the California Agriculturist. It was the monthly published by Beard and Hollaway. It was born in the year 1871. S. W. Herring purchased it in 1874 and made it a prohibitionist paper. After a few years it was sold

to the Rural Press of San Francisco.

In 1872 during the campaign of Clevenger and Armstrong the Daily Evening Tribune was published with Eugene T. Sawyer as editor. Mr. Ben Casey, a farmer, financed the paper. Casey was a prohibitionist and when he discovered that the editors were taking whiskey advertisements he withdrew his support. The paper collapsed within two weeks.

Most famous among the early editors was United States Senator Hansborough. He came here from Illinois and remained several years. He was a printer by trade. When he was about 30 he left San Jose and went to San Francisco where he became telegraph operator for the Chronicle.

While on that paper Chester hull had the idea of taking an educated Chinaman East to lecture. The East was very anti-Chinese at the time of the anti-Chinese agitation in California. Hull decided not to do this, and so Hansborough took East the Chinese, Chan Pan Kwi. The venture was not a great success. Hansborough went to Chicago and from there to Devil's Lake, Dakota. For 18 years he was in the United States Senate.

About 25 years ago he strolled into San Jose and went up into the Mercury office and called out when he saw Eugene T. Sawyer, just as he used to in the old days, "Hello, Eugene."

Probably the editor in San Jose who has achieved the greatest fame is Edward Markham, author of "The Man With the Hoe." Mr. Markham, Eugene T. Sawyer and some printers in 1874 established the Garden City Times. The paper lasted precisely

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six weeks. An amusing incident of its career was when the paper published one of Mr. Markham's poems. The poet could write but he could not spell. He was aware of this, and so he was careful to read proofs of his poems. Despite his care one of the lines of a stanza was, "Hope in my heart like an angle keeps singing."

When this poem was published J. J. Owen burst into laughter. In the Mercury he asked what kind of an angle sang? Was it a right angle, an acute angle, an obtuse angle? No wonder the paper died. San Jose lost an editor but the world gained a poet.

About 1883 Captain W. D. Haley established The Review. Eugene T. Sawyer was the city editor. The paper lasted less than a year.

After J. J. Owen retired from the Mercury he brought into existence a paper called "Better Times." In spite of its pleasing name the Better Times had a very brief life. It was the last appearance of J. J. Owen in San Jose journalism.

259. FOUNDER OF THE NEWS

Hugh De Lacy founded The news. Mr. De Lacy still lives in San Jose. Recently he chatted with me about his life and work. Mr. De Lacy was born nearly 81 years ago in New Orleans. His brother Stephen De Lacy, for a time had a paper in San Jose called the Times, which was later absorbed by the Mercury.

Mr. De Lacy's boyhood was shadowed by the Civil War. At the age of 16 he was at Shiloh, the youngest boy of his battalion.

He began his military career with the New Orleans

Cadets, but he was so young that his mother secretly went to Governor Moore and begged him to discharge the lad on account of his youth. This the Governor did, and Hugh De Lacy joined the New Orleans Guard, which had been in existence since the Mexican War. General Beauregard was an honorary member of the Guard.

When the lad went away again to fight, his mother moaned: "I shall never see my boy again."

Hugh De Lacy found his knapsack stuffed with useless heavy things with which a fond mother weighed him down. He threw away most of them and went on to battle and worse than battle. He had to eat the Confederate rations. Already rye was used as a substitute for coffee, and the army food was so unpalatable that they called it salt mule and mush. He was an unhappy little soldier boy. Mr. De Lacy said that all the soldiers were unhappy,

During the battle of Shiloh the boy was in the terrible engagement of Hornet's Nest, when four companies, or 350 men, were reduced to 70. Then Beauregard called for volunteers to go from Corinth to Pittsburg Landing. General Albert Sidney Johnston, Commander-in-Chief, recklessly rode out in front, made himself a target and fell. Then Beauregard took charge. The first day the Confederates drove back Grant's forces. On Sunday night General Buell came up with fresh troops and attacked. In mud and rain the Confederate troops retreated.

Soon after this time came the conscription act in the south. No boys under 18 were allowed to fight. De Lacy was mustered out. With his mother he came to California to join his father, who was already at New Almaden Mine.

He became carpenter, builder, and he was a city official before he made the plunge into the newspaper business. He says he had about 35 cents when he entered journalism, but already his brother had made the step. Hugh himself had the writing germ. So had his father and his sister, Mary Teresa Maloney, the poetess.

De Lacy decided to name his paper the City Item after a New Orleans journal. The City Item was a four-column paper and it had four pages. Its size was regulated by the small dimensions of the job office where it was printed. Mr. De Lacy frankly says that it was set up in outlandish style, but the price was 25 cents a month. He himself did all the work except set type. His best reporter was the shears.

The City Item's office was the next door to Herold's boot and shoe store. Later it moved up stairs where Wright's gallery used to be. The City Item was always moving. One of its early homes was over Hart's store. The date of the first issue of The Item was July 23, 1873. From the start Mr. De Lacy says the paper was a success. He attributed this to the fact that he had had no newspaper experience. The City Item was printed in several different offices. Mr. Brower at first did the work, and later Mr. Conmy printed it.

After the paper had been in existence for 11 months Mr. De Lacy took as a partner the late Charles W. Williams, who had been associated with Charles M. Shortridge in the Mercury office. Mr. Williams had much energy, great good humor and a gift of making himself and his paper popular.

First De Lacy and Williams considered a new-name

for the paper. The Meteor was thought of, but finally The News was determined upon.

The policy of the journal was independent. Many political fights were engaged in by The News. Mr. De Lacy recalls with pleasure a fight won by his paper in 1884 against the saloons. In print he tried to celebrate victory with a rooster. It so happened that the rooster of the printing office had a battered tail. Mr. De Lacy apologized for the appearance of the rooster by saying that this was the way the rooster looked after the battle was finished.

Mr. Williams had much experience in the business office, and so, Mr. De Lacy was left to direct the editorial department. He had to depend largely upon himself, as the only reporter and editorial writer. He found it hard to fill the paper. After six years Mr. De Lacy suggested that The News employ John McNaught of the Mercury and later of the New York World as a reporter.

Mr. Williams did not think that the business justified the expense, and so Mr. De Lacy suggested that one buy the other out.

Mr. Williams purchased Mr. De Lacy's half interest in 1880. The News continued under his ownership until his health failed. Ten years ago he sold the paper to H. L. Baggerly. Mr. Williams died a few months later.

Mr. De Lacy is still alive, a vigorous, sunny, kindly man with a keen sense of humor and many smiles for the days when

he started The News with only 35 cents.

260. CALIFORNIA'S OLDEST UNIVERSITY

The University of Santa Clara is the oldest university in the State of California. It was founded March 19, 1851, by Father John Nobili, an Italian Jesuit, who came to Oregon in 1844, by way of Cape Horn. In Italy Father Nobili was an excellent teacher, but he gave up security and comfort to serve as a missionary in Oregon.

In this capacity he had great success. Like the old Franciscan fathers he went on foot hundreds of miles through the wilderness. He came to San Jose and lived at St. Joseph's during 1849 and 1850. At the time of the cholera, no one worked more bravely than Father Nobili among the poor. He himself fell ill of the disease. His recovery amazed his followers, and gave him almost a supernatural reputation.

Archbishop Alemany from the pulpit of St. Joseph's in 1851 announced that a college would be established in the ruins of the old mission at Santa Clara. At that time the mission was in a field where wild cattle roamed. The archbishop himself from his slender means gave \$100 toward the college. The university started with 12 pupils. There were two secular teachers. A matron took charge of the small boys. An Indian served as cook.

Father Nobili was moderate in his claims for the college. The parents often did not pay the tuition of the pupils till late in the year, and so, Father Nobili was obliged to make the best of a restricted and uncertain income.

Philip, the baker at the university in the seventies

used to tell the boys of the time when he was cook in early days. One kettle was used for soup boiled meat and vegetables. He prepared beefsteak with water and sometimes even used tallow candles for seasoning. The cooking was done in a rude shed. There was no washroom except out of doors. A well surviving from the mission days supplied the water with which the boys filled their basins.

Within the month when the new flag pole was being raised in front of the present imposing university, this well was rediscovered. The students at the university dropped stones into the well.

In the early days there were no fixed classrooms. Sometimes one of the professors taught seated on the trunk of a tree in the northwest corner of the garden, his pupils, seated on tree trunks surrounding him. In early days two or three of the fathers occupied the same room. They rolled up their mattresses in the morning never knowing where they were to sleep at night. Some of them slept on the veranda.

In the old Santa Clara days, the students sat on benches in the classroom. They studied by candle light. After a time the college grew to have the dignity of four dormitories.

When the college was first founded little attention was paid to gardening. There were the old grape vines, to be sure, and the olive trees, brought from Mexico in the twenties by Don Antonio Sunool. The lovely garden at Santa Clara, probably the oldest in the country, was begun quite by accident in 1855. Mr. Lawrie loved flowers. He had some window boxes and a few blossoms before his room. Soon he was imitated by other students.

There was a line of window boxes and beds skirting the building. This striving for a garden suggested to Father Carreda the possibilities of beauty by adding flowers. He himself laid out the garden very much as it is today.

In his early struggles at the university Father Nobili was assisted by Father de Vos, Goetz and Veyret. Father Magin Catala, Father Nobili and Father de Vos have the honor of being buried in the church at Santa Clara. The only layman buried in the church is James Murphy, son of Martin Murphy and grandson of Martin Murphy, the founder of the family in this valley.

One of the Father Nobili's ablest assistants was Father Carreda. Together they worked with ardent devout zeal for the growth of the university. Father Nobili did not live to see the fruits of his labors. While the brick chapel was in building in 1856 he stepped on a nail. He never recovered, but he died March 1, 1856.

261. ELECTION TROUBLES IN FORTY-SEVEN

In a book of official documents of the United States military government, I found two letters written by Governor Mason in 1847 concerning the elections in San Jose. The first was sent to Alcalde James W. Weeks and is as follows:

"Monterey, Calif., Nov. 5, 1847.

"Sir: I received your communication of the ed inst., together with its inclosures, as also the two lists of the day previous, showing the result of the two elections for the town council for the Pueblo de San Jose.

"The object and intention of our election was to

choose six persons to aid the alcalde in the government in the town, and the town only. They were to make such laws, regulations, etc., for the town, as might be deemed necessary to secure a good police, suppress vice, and afford a proper protection to persons and property within the limits of the town; consequently, no person was eligible to be elected a town councilman unless he was an actual resident of the town, and no one was entitled to vote for a town councilman unless he was also an actual resident of the town.

"The second election was unauthorized, as there could be but one election under the authority given. The first election must therefore stand good; but should there be one or more persons elected who were not actual or bona fide residents of the town, they cannot serve as town councilmen, and their places must be supplied by holding a new election.

"Independent of the second election being held without proper warrant, it is observed that several of the judges of the election, are returned as members-elect. This is altogether unusual; no one can be both a candidate and a judge of the election at the same time; your letter of the 29th of October has been referred to the alcalds, Mr. Colton. The subject matter must be arranged between you, as it is an affair that I do not think I should interfere with. I am,

Respectfully, your obedient servant,

(Signed)

"R. B. Mason."

Another letter written 15 days later by Governor Mason to Alcalde Weeks of San Jose refers to the same subject, the election of Mr. Murphy and Mr. Reed.

"Sir: I have received your letter of the 16th inst., and also communications from various citizens, who, I am told, are among the most respectable in the pueblo, complaining and protesting against the election of Mr. Reed and Mr. Murphy and denying that they are residents of the town or Pueblo de San Jose and that they were declared to be residents by a considerable number who are not themselves known as residents.

"The persons elected as town councilmen should be elected by the vote of persons who reside within the limits of the town, as marked by the town plat. No one who resides outside of these limits can be a town councilman or vote for a town councilman, anymore than he can vote in San Francisco for a town councilman.

A mere transitory residence, a mere sojourning in the pueblo for the time being, cannot constitute such a residence so as to make a man eligible to be elected a town councilman or to vote for one. He must have resided within the limits of the town a reasonable length of time previous to the election; or rather, his residence must have been of such a character as to plainly indicate his intention of becoming, and being in fact, a bona fide resident--such, for instance, as keeping house, going into business, opening shop, and working at his trade, ect. * * *

"It is very easy, it appears to me, to distinguish the bona fide from the pretended residents of a place. The votes of all those who reside within the limits of the town, as marked by the town plat, and are residents thereof in good faith, and not more temporary sojourners or transient persons, must be taken as

legal voters and all others rejected, and the six persons who receive the majority of such legal votes are declared to have been duly elected. I appoint you and Mr. Ruchel, of your town, and such third persons as you may choose, to examine this subject and to decide which six persons received a majority of the legal votes of the town of San Jose; and such persons are declared to have been elected providing they were bona fide residents of the town.

"I only earnestly hope the committee, thus constituted, will decide the matter fairly and equitably, with a sole view to the better government of the town apart from anything like partisans."

262. HISTORIC FLOODS

In 1852 and '62 there occurred floods in San Jose that made history. In 1852 Charles E. Wade told me he clubbed to death a seven-pound salmon in the streets of Alviso, which were flooded with water. That very winter the San Jose-Alviso stage stopped running. Charles Wade and his brother, Harry, received \$10 for carrying two trunks and a man on horse back from Alviso to San Jose. The Wades walked and led the horses. That same winter Mrs. Mattie Reed Lewis almost literally swam to Alviso on a horse's back to witness the marriage of Miss Romietta Burnett and William T. Wallace. The flood of '52 drowned thousands of squirrels who went to their watery grave unregretted.

Pioneers had a frightful struggle with the early floods. They began dredging the river and creeks, but in 1862 the flood was even more severe. E. C. Munn recalled delivering meat at the convent. He said there was a stone wall around the convent

which kept out some of the water, but even so the flood came up to the convent door in 1862. At Delmas Avenue and Santa Clara Street water was five feet deep. Travel on the Alameda was impossible. One went to Santa Clara by way of Bascom Avenue.

However this brought an indirect benefit to San Jose. Because of the flood W. H. Hall, a well known stage driver, commonly called "Bill" made the Alameda into a toll road, graded and macadamized it and charged 10 cents for one horse, 25 cents for two and 50 cents for four. Later this road was taken over by the county.

During the winter of 1862 Captain Hammond and D. T. Adams launched a flat boat at the foot of William Street. They transported freight to San Francisco where the boat was abandoned. This was the same winter that Martin Corcoran received \$4800 for carrying 4800 flasks of quicksilver in the flat boat from near the Vendome Hotel to Alviso.

Mr. Albert Schroder tells me that his father, the late Morgan Schroder, paid the money for the new Almaden Mining Company. The flood of 1862 so discouraged Morgan Schroder about teaming that he gave it up.

In 1862 people went in boats from the convent garden to Crandallsville or West San Jose. That winter four or five houses went down the stream and landed on the property of J. Q. A. Ballou, between Julian Street and where now stands the Southern Pacific station. The houses did not linger with Mr. Ballou, the flood swept them on and wrecked them. Mr. Ballou still has a carpenter's tool chest that landed on his property at the time. Among the

other curious happenings of the flood was the arrival of a trunk on Mr. Ballou's land containing a handsome silk dress covered with mud. One of Mr. Ballou's employees picked up the dress and hung it on the trees to dry. But it was carried off by one of the many prospectors who went up and down the creek looking for wreckage.

Mr. Ballou says that the time of the flood a man climbed upon the roof of a house for safety to observe what was happening. Soon the house began to move down the river carrying the safety-seeker, but he was rescued.

E. C. Munn recalls that volunteer firemen did much rescue work at the time. Mr. Munn, D. J. Porter, John Stock, Levi Millard, who used to run an omnibus line, helped save people from flooded houses. The late city marshal, William Sexton, was another of the valiant flood fighters.

General Naglee suffered considerable financial loss in the flood of '62. A short time previous he had imported Durham cattle from England. The General also imported a man to look after them.

The cattle were so well cared for that they were not taken out of their stables until 4 o'clock. The General went away to the war, and in order to give them special attention he took them to Sacramento to be looked after. In the Sacramento flood that very year the Durham thoroughbreds were drowned.

James Lick was also hard hit by the flood of '62. The Guadalupe rose so that he had no outlet for his mill pond and he dug for it a new channel. Then he built a dam to keep the water from flooding his mill. Two or three years afterwards the dam

broke a second time. Lick said he couldn't fight water, so he moved to San Jose and rented his mill to Pfister and Waterman.

Another flood came in 1871. In December it rained 17 inches in 48 hours. The Los Gatos and Guadalupe creeks overflowed theirbanks. Hundreds of houses in the west and southwest were flooded. Fences and small buildings were swept away. Railway trains were undermined. Time has changed the wayward ways of the river and creeks, time aided by man. The rivers have been dredged and widened. Waters have been diverted, and so, now it is seldom that San Jose finds herself surrounded by a threatening sea.

263. CHANGING ALCALDES IN FORTY-SEVEN

Evidently the position of Alcalde of the Pueblo de San Jose was not a popular one during the American military government. Several men held the position for a brief time, but it is clear from the correspondence of the Governor and Secretary of State in 1847 that no one really desired the position. In fact it was declined by William Fisher after he had received his appointment in the following letter:

"State Department of the Territory of California,

"Monterey, August 30, 1847.

"Sir: In transmitting your appointment of Alcalde of the Pueblo de San Jose, the Governor directs me to say to you that the growing interests of your town, and the importance of having some competent and efficient person watch over these interests, and to assist in preserving the quiet and tranquility of the country, will be sufficient inducement for you to accept this office. You have been highly recommended to the Government as the most suitable

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person in your district for the office of Magistrate, as he has every reason to belief that his confidence in you will not be misplaced.

"In the administration of your office, you will be governed by the laws and the usages of the country as they have heretofore existed, until other laws can be established. You will please exhibit to Mr. Burton your appointment and give him the enclosed order to turn over to you all public papers and funds belonging to his office. If, however, you should deem it proper to decline this appointment you will immediately return the enclosed papers without presenting them.

"Very respectfully, your obedient servant,

"H. W. Hallack,

"Lieutenant of Engineers and Secretary of
' State of the Territory of California."

Because Fisher declined the appointment the office was given to J. W. Weeks as the following letter shows:

"Monterey, Sept. 14, 1847.

"Sir: J. W. Weeks having been appointed Alcalde of the Pueblo de San Jose, your term of office will consequently cease on the receipt of this letter, and the Governor directs that that you then turn over to Mr. Weeks all public papers and funds belonging to your office.

"Very respectfully, your obedient servant,

(Signed) "H. W. Halleck."

Secretary Halleck wrote Alcalde J. W. Weeks as follows:

"Monterey, Sept. 24, 1847.

"Sir: I have the honor to acknowledge your letter of the 24th inst., accepting the appointment of Alcalde of the Pueblo de San Jose. The Governor is now absent; but the moment he returns I will ask his instructions respecting the Town Council and also respecting the cutting of timber of the public land.

"Very respectfully, your obedient servant,

(Signed) H. W. Halleck."

Another letter from Governor Mason to Alcalde Weeks written in December, 1847, reveals the attitude of the Government toward punishment for horse stealing.

"Sir: I am in receipt of your letter of the 14th inst. The practice has been to sentence persons convicted of horse stealing to a fine and a certain length of time to hard labor on any sort of general or public work, the length of service to be according to the nature and degree of the offense; and in very aggravated cases, I think, in addition to the imprisonment and hard labor, a sentence of 50 lashes would have a salutary effect."

Alcalde Weeks evidently had much turmoil during his term of office, and he resigned in a short time, as is shown by the following letter written to him by Governor Mason:

"January 6, 1848.

"Sir; I have received yours of the 28th of December, resigning your appointment of Alcalde of the district of San Jose, and must request that you will continue in the office until I can get some suitable person to supply your place. Can you recommend any properly qualified person who will accept the office?"

During the following February Charles White was named by the Governor as Alcalde, according to this letter to Alcalde Weeks:

"Sir: Not desiring to impose the duties of Alcalde upon you contrary to your wishes, I have appointed Charles White in your place, that you might retire from the office in accordance with the wishes you express in your letter of December 28th. I thank you for continuing in the discharge of your duties till I could make another appointment.

"Be pleased to turn over to Mr. White all the funds, records, books, papers, etc., appertaining to the office.

"Enclosed herewith is the appointment of first Alcalde for Mr. White, and the appointment of second Alcalde for Dolores Pacheco, which be pleased to hand to them."

Alcalde Charles White, as all pioneers know, was a very picturesque person, but he, like his predecessors, resigned according to the following letter of Secretary of State H. W. Halleck to Alcalde White:

"Monterey, July 26, 1848.

"Sir: Your letter of the 16th inst., is received and the Governor has accepted your resignation of the office of first Alcalde of the jurisdiction of San Jose."

That very Day Governor Mason appointed William Byrne first Alcalde of San Jose, but it is evident that he did not accept the office because no such person held the office of Alcalde. It must have been a relief to the military government when San Jose began to elect her own rulers.

264. OLDEST IMPRESARIO

Hugh Delacy, founder of The News, is also San Jose's oldest impresario. At one time he was intrested in Brohaska's Opera House. Through his efforts some of the most famous actors ever seen in the city came to San Jose.

DeLacy told me of his theatrical experiences. He recalls when John McCullough and May Howard played "Othello" 'at Brohaska's to \$80. About this time DeLacy was amazed to read in the Mercury that he had leased Brohaska's Opera House.

"What does this mean?" asked DeLacy of Brohaska when they met.

"You must go ahead," 'answered Brohaska.

None but an optimist would have ventured to go ahead when John McCullough and May Howard took in only \$80 at an "Othello" performance, but this was the time when DeLacy entered the theatrical world.

In Platt's Hall, San Francisco, he found a group of famous people playing to empty houses. There was John Templeton, who had married Alice Vane; Fay Templeton's aunt. Then there was James Herne, afterwards famous in his own play, "Shore Acres." Above all there was little Fay herself singing and dancing like a fairy. DeLacy watched their performance. Herne was playing "Rip Van Winkle. In a little sketch after the play Fay Templeton sang a song. "Love! Love! What Is Love Is Love?" DeLacy knew San Jose would go wild over little Fay. DeLacy went behind the scenes and asked the company to come under his management to this city. They were without a dollar and were delighted with the offer,

but they insisted upon \$200 a night and half of the profits.

By a miracle DeLacy said he raised the money to pay their fare to San Jose. When Brohaska heard what he had done he said:

"My God, you're broke, you'll lose."

"I can't, answered DeLacy.

Fay Templeton captured San Jose with her roguish dark eyes, her grace and her songs. Everyone wanted to see the 9-year-old girl wonder. DeLacy says he never knew where the people came from, but the first night they packed Brohaska's and left at the box office \$500. Three performances were equally successful, and then, Brohaska asked to be DeLacy's partner. The partnership was consummated, and the Templeton company returned for several performances 11 in all.

This was the beginning of DeLacy's success as a manager. After that he brought to San Jose many great stars. In the eighties at the old California Theater there played the greatest stock company ever seen. Booth, Barrett and many actors of less prominence collected by Sharon and Ralston regardless of expenses and brought to San Francisco from all parts of the world. Always there were two full companies, and so, the manager and star, Barton Hill, agreed to allow DeLacy from time to time have one company in San Jose at cost, profits to be equally divided. That is why Harry Edwards, John Wilson, Sophie Edwin, John McCullough and Carrie Wyatt played here at different times. One of their great productions was "The Drunkards," with John Wilson the star. Another was "The Red Cross of Geneva."

After the California Stock Company disbanded Mr. DeLacy brought to San Jose Sousa's Band. Gilmore's Band, Bill Nye and Josh Billings. He recalls Billings' last visit, his sunken eyes, his long hair, his death pallor. At that time Billings said that the funniest thing ever written by Artemus Ward was his will. Ward pretended that he had a large fortune, and he distributed it among his friends. In reality, he had nothing. Billings made his last appearance at the First Baptist Church in San Jose. From here he went to Monterey and died.

Even after Mr. DeLacy became the proprietor of The News from time to time he brought features to San Jose.

265. AN INDIAN FIGHTER

Charles M. Weber, the man who subdued Jose Jesus, the Indian chief, was one of the most interesting men of his time in Santa Clara County. Among the old Spanish-Californians who called him "Don Carlos Weaver" he was greatly admired. Whatever one may think of Weber he certainly was the busiest man in San Jose.

He was a well educated German who came to Sutter's Fort in 1841. He worked for Sutter two years, and at the fort for the first time in California, tobacco was planted by the young German. He also made a beautiful garden there. He always loved flowers.

Weber came to San Jose in 1843 and married the great heiress, Ellen Murphy, the daughter of Martin Murphy, the patriarch of the Murphy family, who lived at what now is called the Twenty-One Mile House. The name of the first Murphy ranch was "La Agua de la Ojo de la Coche." All travelers stopped at the

Murphy ranch, and many of the early visitors speak of Ellen Murphy and her charm. Lieutenant Wise wrote of Ellen Murphy, and to Bayard Taylor she presented a very romantic appearance, bending as he found her over one of his poems when he entered her father's house.

Weber had very little money, but he was a man of action. The sharper the conflict, the keener his mind. Although without dollars as he rode through the San Joaquin Valley, he saw its possibilities and he determined to possess it. It was impossible for a foreigner to acquire land in California and so, Weber formed a partnership with William Guilnac, who had come to California more than 20 years before, had married a Spanish woman and was a Mexican citizen. Weber and Guilnac established a flour mill, a soap factory, and the first American shoe factory in California. Frank Lightston was their clerk.

Soon Weber purchased Las Animas ranch south of San Jose, but that did not satisfy him. Before he had been Guilnac's partner three months he urged him to obtain from the Mexican Governor Micheltorena a grant of land covering almost entirely San Joaquin County. Guilnac made a trip to Monterey to see the Governor, and soon 11 leagues, 33 square miles square, were granted Guilnac, his wife, and seven children. The ranch was called Campo de los Franceses, and contained 47,747 acres. It was one of the largest ranches in California.

When Guilnac had had the land three months he sold it to Weber, who signed himself Carlos Maria Weber. The Spanish Maria was inserted in Weber's name to make him seem less like a

foreigner. Weber afterwards fought against Micheltorena, from whom the land came, and helped expel him from California. Before the year was over Weber had dissolved partnership with Guilnac. Weber said Guilnac drank. He probably did, or he wouldn't have sold for a pittance nearly 50,000 acres of land.

When Fremont came Weber became more American than the Americans. He saw that the American occupation in California was inevitable. Fremont rode about the valley boldly taking horses from the ranchers. The Bernal's, the Chaboyas, the Berryessas all lost their horses to Weber and Fremont.

Weber manufactured bread for the American ships. At the time of the battle of Santa Clara he commanded the American troops, and he was undoubtedly the strongest person on the American side among the settlers.

When the gold rush came in 1849 Weber was one of the first to leave San Jose for the gold field. Weber's Creek has become historical, for Weber there discovered the first coarse gold in California.

He organized the Stockton Mining Company, which consisted of John Murphy, De. Isabel, John Bussell, George Fraezer, Dr. Pyle and Andy Baker. They sold provisions as well as did mining. From Chief Jose Jesus Weber obtained Indians who worked his mine for trinkets and a pittance.

During the gold rush, the town of Stockton, established by Weber, began to be talked of. Weber decided that it was best to try to develop his land and boom the town. He left the mines, and it was time, for his right to the great land grant was

was questioned on all sides. He built a house in Stockton and laid out a beautiful garden, but every day was warfare. Squatters troubled him. Guilnac's children began suit against him. He was accused of having surveyed for himself three miles too much land.

After some delay Lincoln reluctantly signed Weber's patent to the great grant. The rail splitter was not used to farms of that size.

Weber gave generously to the people of Stockton, but he felt that they lived to torment him. Served with summons to go into court to defend his property, he caned one man. He shot another, Judge Heslep, a lawyer who brought suit against him. Weber was acquitted in Stockton. In San Francisco Heslep brought civil suit and was awarded \$30,000 by a jury

With years Weber grew more irritable. Once on a journey to San Jose he tied his horse at the entrance to a nursery in The Alameds. A thief made off with the animal. Weber and his friends pursued the thief. The friends gave out. Weber went on alone, overtook the man, who refused to stop, and killed him.

Weber was never punished; the thief was only a Mexican. Besides it was fatal in California to steal but one horse. Weber thought that was right. He thought he was always right.

He was a good American. During the Civil War he had a flag 120 feet long flying over his house. His contributions to charity were many, but he became embittered by criticism. He felt that he done a great service for California and should be spared censure.

He could not escape misunderstanding. He became

He could not escape misunderstanding. He became a recluse, and died an unhappy man.

266. WAR IN THE SANTA CLARA VALLEY

In 1825 Mexico won her independence. In the month of October of that year the citizens of San Jose were summoned by the alcalde to go into the plaza (City Hall Park) and swear to take an oath of allegiance to Mexico. All the Dons and their sons came, raised their hands, and took the oath. The flag of Spain fell, never again to fly over San Jose. Amid booming of cannon the flag of Mexico rose. There was bull fighting and a great gala day.

The new flag was never popular among the Dons. Many had come to California direct from Spain. They had little liking for the Spaniards who had preceded them and had allowed their blood to be mixed with that of the natives.

In Mexico government is seldom stable. Revolution succeeded revolution, but peace prevailed in the Santa Clara Valley until Governor Alvarado and General Vallejo carried on a little war in the early forties. Alvarado complained of Vallejo and Vallejo of Alvarado. Each tried to have the other ousted.

In 1842 both were bitterly disappointed. General Micheltorena arrived in San Diego from Mexico vested with the civil and military power. Both Alvarado and Vallejo were disgruntled. They regretted the royal government. "Mexico doesn't pay her debts, Spain did," they said. On taking stock of their emotions, Alvarado and Vallejo found that they hated Micheltorena more than they hated each other. They decided to unite with General Castro and drive Micheltorena from California.

The Americans took part in this revolt. Sutter of Sutter's Fort led 100 Americans and foreigners against Alvarado, but before they fought they obtained grants of land from Micheltorena. Alvarado, Fallejo and Castro declared California independent. Micheltorena took the field to quell the insurrection. He captured San Juan Bautista and advanced to within 10 miles of San Jose, near Morgan Hill. When he heard that San Jose and Santa Clara were opposed to him he retreated. General Castro took possession of San Juan Bautista, and had his headquarters in the house since known as the General Castro house at San Juan. It is now owned by the Breen family. Soon Micheltorena was advised to leave California. Pio Pico became Governor, and Jose Castro general, with headquarters at Monterey.

267. WAR IN THE SANTA CLARA VALLEY PART II

During these years the increase of the Americans in numbers, their energy, their aggressiveness, their arrogance alarmed the Spanish Californias. In 1846, when Captain Fremont came with Kit Carson and 62 men, rumors were everywhere that this was the advance guard of the American army.

Fremont first visited in San Jose in 1846, when he arrived by way of Alviso with William Hinckley of San Francisco to visit the quicksilver mine at Almaden, the discovery of which had caused such a sensation to the government at Washington. He reported that it was worth \$30,000.

The day Fremont left Yerba Buena for Almaden the Mexican government officials at Yerba Buena notified United States Consul Thomas Larkin of the fact. The officers asked why armed

troops had been brought into the department without permission, and why Fremont was here.

Through the consul, Fremont explained that he had come for his government to survey a practicable route to the Pacific. He had left his soldiers on Kern river, and on the frontier of the department to rest themselves and the animals. He had come from Monterey to buy clothing and provisions for his men and horses. When he should finish this work, he declared he intended to continue his journey to Oregon. He said this in the presence of Alvarado and Jose Castro.

The answer was forwarded to Governor Pico, and to the supreme government.

From the testimony of those present it does not appear that permission was given Fremont to enter the San Joaquin Valley, but doubtless that consent was understood.

A few days later Fremont rode into San Jose from Monterey. He did not remain long, but on February 15, he went to Laguna Seca, then owned by the Fishers. Today the Laguna Seca is the site of Coyote. Kit Carson and all of Fremont's force who had been waiting for him on Kern river and later at Stockton joined Fremont at Laguna Seca. Here they remained in camp for some time, and even today one hears echoes of the maraudings which stirred bitterness in the hearts of the Spanish Californians. As one follows the path of Fremont down the Monterey Road one finds circumstantial evidence of his misdeeds.

The Chaboyas of Tully Road, great people at the time Fremont was in the valley, tell of the fear inspired by

by Fremont's men, and of their brutality. Women and children hid in the tules, while the Americans slaughtered cattle and drove away horses for which only promises to pay were given. The Bernal's Add that Fremont's men took 300 horses from the Santa Teresa ranch and robbed them of blankets and bedding, without even a slip of paper in payment. When confronted at Laguna Seca by young Antonio Bernal, Fremont refused to give up the finest of the Bernal horses, the favorite saddle horse of Don Bruno Bernal. However, when Captain Charles M. Weber, who took the horses, was threatened with death by Antonio Bernal he did return to the Bernal's ten horses of the 300 taken.

So it is not strange that history records that at the same time Alcalde Dolores Pacheco of San Jose, at the request of Sebastian Peralta of Los Gatos, issued a warrant for Fremont's arrest for having in his possession horses stolen from the Rinconada de Los Gatos. Peralta was ordered from Fremont's camp. In his official communication to Alcalde Pacheco, Fremont said that Peralta should have been glad to escape "without a horse whipping." This note Fremont asked the alcalde to forward to the governor.

By this time Fremont was not popular along the Monterey Road. He moved on toward Monterey with his men. They camped at Alisal. While there Fremont's men visited the rancho of Don Angel Maria Castro, uncle of General Castro, and insulted one of the Castro daughters. The aged Don Angel defended his daughter, though Fremont's men threatened him with a pistol. The Americans left the Castro ranch March 2.

On the fifth of March an officer arrived in Fre-

mont's camp with an order for him and his men to leave this department. Fremont was warned by General Castro that if he did not obey he would be attacked. These orders were sent immediately to Council Larkin at Monterey. They are the basis for the much discussed treachery of General Castro to Fremont.

268. WAR IN THE SANTA CLARA VALLEY PART III

Fremont refused to leave, but he took possession of Galivan Peak, more commonly called Fremont's Peak, near San Juan Bautista, which is marked by a cross. He fortified the peak with a cannon, and from the height through field glasses watched General Castro assemble and train his men at San Jean. No encounter took place, because Fremont left within a few days very suddenly.

Fremont's indignation against Castro for ordering him out of the department was boundless. He encamped near Red Bluff and tried to stir up the settlers against the Californians. His men became bolder in their maraudings. Lieutenant Arce was driving 170 horses from Sonoma to Santa Clara for the use of the Government. Fremont's men cut them off at Martin Murphy's Ranch at Consumnes. Fremont's men captured the Californians and drove the horses into the camp of the Pathfinder.

Shortly the Californians were released and sent back to Castro with the message that if he desired his horses he must come and take them. They also sent the message that they intended to capture Sonoma and continue the war. This occurred in California during the time of peace.

Three days later, June 14th, Fremont's men presented themselves at the Sonoma residence of General Vallejo and called

upon him to surrender. General Vallejo asked by whose orders they were acting. They said, "Captain Fremont." Vallejo had always been friendly to the Americans. He wished to have California protected by the United States. He gave them refreshments and discussed surrender.

Fremont's men carried General Vallejo to Sutter's Fort, where for two months he was kept prisoner. When he was released he discovered that his stock and crops had been taken from him. This was the beginning of the revolution of the Bears, and in his memoirs Fremont states that everything done by them was under his orders.

William B. Ide, who said that the Bears must either be robbers or conquerors, was made Commander-in-Chief, or Governor of the Republic. A flag was made of a piece of unbleached cotton cloth, at the bottom of which was sewn a strip of red flannel. In the upper left-hand corner of the cotton was drawn a five-pointed star outlined with red paint. To the right of the star, and facing it was a grizzly bear made of blackberry juice. William Todd, a nephew of Mrs. Abraham Lincoln, was one of the makers of the Bear flag. In the 14th of June the flag was raised at Sonoma.

269. WAR IN THE SANTA CLARA VALLEY PART IV

On the 17th of June, General Castro, who had stationed himself at Santa Clara, issued a proclamation to Californians to rise and defend themselves against the Americans who had raised the Bear Flag in California, and who held many of its citizens prisoners. About 160 men rallied to General Castro. Of these he sent 50 or 60 under De la Torre against the Bears at Sonoma.

At Olompoil, north of San Rafael, De la Torre met Padilla and the first battle of the war took place. Several were wounded, and one was killed. Fremont and his force marched toward San Rafael to meet De la Torre's men.

At San Rafael occurred the murder of the De Haros, sons of the alcalde of San Francisco, and their uncle, Jose Ber-ryessa, the owner of the land on which the discovery of the new Almaden was made. Kit Carson and Fremont's men, following Fremont's orders to "take no prisoners" were responsible for the crime.

The prominence and respectability of the victims, the treatment of them after they were dead, the looting of the Californians, and their neglect after death, was the only engagement of Fremont during the conquest of California.

Fremont's position would have been critical but for the raising of the United States flag at Monterey on July 2, On July 9 Harry Pitts rode into San Jose with the announcement that Monterey was taken by the Americans.

Castro brought his men into line before the old Juzgado in Market Street. He told them he could not fight the United States Army, and he was going south to join Governor Pico. A few men followed him. They carried with them Charles M. Weber, a prominent German-American citizen, who had been in close business relations with the Mexicans and had made from them considerable money. Weber was greatly disliked by the Spanish Californians, because of the favors he had had from them, and because he turned from them to the Americans. Weber was released in Los Angeles.

Fremont started south to overtake Castro, but the

Californians had already passed San Juan Bautista, Fremont succeeded in marching only into Monterey picturesquely at the head of his soldiers and trappers.

On July 13 Captain Thomas Fallon came to San Jose, took possession of the Juzgado, arrested Alcalde Dolores Pacheco and ordered him to surrender the keys to the archives. On July 13, 1846, an American flag was sent by Commodore Sloat from Monterey.

The Mexican flag came down from the flagpole before the Juzgado and for the first time in the valley, just 80 years ago, there rose the Stars and Stripes.

270. THE BATTLE OF SANTA CLARA PART I

The Mexican flag came down in San Jose, but a few months after the raising of the Stars and Stripes once more the Mexican colors Santa Clara. Much has been written about the battle during the Mexican War when the Californian forces met the American. Historians differ as to the importance of the battle. Some writers take it seriously. Much that has been written about it, and talking with those whose friends and relatives were in the battle I feel that its importance was not great.

The conflict was precipitated by the prolonged disrespect of the Americans for the Californians' right to their own horses and cattle. The evidence shows that the first comers into California were arrogant and considered it a joke to take the horses, cattle and saddles and blankets of the Californians. The late Mrs. Mesa, who was born near the Southern Pacific Depot, and who lived here when Fremont and his men came to San Jose, told me how they pitched their tents in the Plaza, entered houses and took

anything that pleased them.

The late Mrs. Trinidad Espinosa of Mayfield, daughter of Secundino Robles, who about this time lived at Santa Clara, said that an American man entered her mother's residence during the absence of her father and demanded blankets and saddles, Mrs. Robles was no shrinking Spanish woman. She knocked down the American and threw him out of the house. Most American historians of 30 or 40 years ago agree that the Americans in their treatment of the Californians forgot justice.

One of the Californians who had suffered most from marauding Americans was Francisco Sanchez who owned the Ranch San Pablo and who lived near what is now called Milbrae. Not only his own horses, but those of Mellus and Howard, which had been entrusted to him, were taken.

Sanchez has been spoken of by some American writers as a "free-booster." In reality, he came of a most respectable family. His grandfather arrived with Anza, His father was the owner of the 15,000 acre ranch Buri Buri which now belongs to the Spring Valley Water Company. Francisco himself received the fourth grant of land in Yerba Buena. At the time that Sloat took possession of San Francisco, Francisco Sanchez was acting Commandante.

Sanchez did not like the government of Mexico. He wanted California to be for Californians with a separate government. Patiently he bore the wrongs of the invading Americans. His first resistance was on the 8th of December, 1846, when Lieutenant W. A. Bartlett of the United States sloop of war Warren, then acting Alcalde of San Francisco, with five men, came down the

peninsula seeking cattle for the supplies of the United States forces. Sanchez and a few of his neighbors captured Bartlett and his men.

There was great commotion in the American world. The Californians rallied to Sanchez. Among others who joined him were a brother, Secundino Robles; a cousin, Gregorio Sanchea; another cousin, Augustin Sanchez of Gilroy, Julio Valencia, Antonio Valencia, and the Higuera of Contra Costa. His force numbered more than a hundred.

At the time Sanchez captured Alcaid Bartlett, San Jose was already in a state of war. Purser Watmough of the United States sloop of war Portsmouth and 35 marines had been here for several months stationed at the Juzgado, or Courthouse, in Market Street. The marines had been reinforced by the local volunteers under Captain Charles M. Weber and Lieutenant John M. Murphy. Weber and Murphy and their men occupied an adobe building in the rear of Frank Lightstone's residence in Santa Clara Street. The regulars and volunteers were stationed here to protect San Jose against the Indians, who had attacked the town in forces of a hundred. Watmough and his forces met the Indians in the mountains and drove them back to the San Joaquin regions.

When Sanchez captured Bartlett only the volunteers under Captain Weber were protecting San Jose. That very winter a number of American settlers, among them Joseph Aram, later one of the first nurserymen in the county, arrived. There were no vacant houses in San Jose, and so, they took up their quarters at the Santa Clara mission. Ignacio Alviso, then major domo of the

mission, gave them food for the winter. Joseph Aram, who was made a volunteer captain, proceeded to fortify the mission building. He and the Americans built barricades of dirt and wagons. The Californians protested against Aram using the trees from the Alameda, the sacred trees planted with prayers and blessings, for the barricades, but the Americans did very much as they pleased.

In November Lieutenant Pinkney with 60 men under Midshipman Watmough and Griffin came to San Jose. They walked from San Francisco carrying on their backs muskets, bayonets, cartridges, provisions and blankets. They made a wonderful march and camped at Alviso. They then walked into San Jose, took possession of the juzgado and threw up breastworks.

271. THE BATTLE OF SANTA CLARA PART II

Weber and his force went to San Francisco to report to the commander, but he did not meet Sanchez and his men until he had more troops. Sanchez pressed on to San Jose and demanded of Pickney the surrender of the company, Pickney refused. Soon there came to reinforce Pickney Captain Ward Marston, U. S. N., commanding officer. Under him were Assistant Surgeon J. Duvall, Lieutenant Robert Tansil, commanding United States Marines, and 34 men, Master William F. D. Gough and John Kell, who had charge of a field piece, a sixpounder. Then there were the Yerba Buena volunteers commanded by William M. Smith and Lieutenant John Rose and Captain Martin, in all about one hundred and one men.

The Americans were well armed, but the Californians had only swords, lances and out-of-date guns. All of them were mounted. They presented a droll appearance with their bright serapes,

broad-brimmed hats and gay bridles. In January the Americans and the Californians met in a mustard field ten miles north of San Jose on the C. J. Evans Ranch, formerly owned by the Morse Seed Company and later by Mr. Worswick.

All one day and a part of the following day the Americans and Californians charged back and forth in the mustard field. The first, probably the only casualty, on the American side was when the cannon became disabled and injured the gunner. There was continual firing and the people at Santa Clara stood on the roofs of buildings to watch the conflict. The Californians remained on their horses making targets of themselves. The Americans found the mustard forest an excellent ambush.

In Santa Clara an American appeared wearing a serape like that of Secundino Robles, and the news spread quickly that Robles was dead. His wife, who was about to give birth to a child, took one of her children and an ox team to fetch Secundino's body to Santa Clara. Robles was found to be living. Mrs. Robles lost her child through the false rumor. No Californian was shot. The late Mrs. Trinidad Espinosa of Mayfield, daughter of Secundino Robles, remembered distinctly the battle. She said that the Californians' only casualty was a mule. The Americans had three wounded, Lieutenant John Murphy, Jackson Bennett and Robert Heeney, a marine.

After nearly two days of charging back and forth on the mustard field Sanchez found himself caught between two American divisions and he retreated to what is now Milliken's Corners. From there he went to the Santa Cruz Mountains, whence he sent to Captain Marston a white flag and asked for a conditional surrender. It was

refused.

For two months Sanchez had kept Captain Bartlett and his men prisoners, but all he could gain when he surrendered them was the cattle taken by the Americans, which had been the first cause of the conflict.

The Californians were allowed to go to their homes. Secundino Robles broke his sword, took off his serape and promised to be a good American.

Sanchez was held as a prisoner for some time on board the war vessel, the Savannah, but he was later released. He went back to his Rancho San Pablo, where he died. He was buried at the Mission Dolores, San Francisco, where his father passed most of his declining years.

Captain Weber afterwards became wealthy in the mines. He built the first house in Stockton and laid out the town. He was a courageous Indian fighter.

272. SAN JOSE IN FORTY-SEVEN

When the James Frazier Reeds arrived in San Jose in 1847 the late Mrs. Mattie Reed Lewis told me that as yet the streets were mostly on maps. The Reeds rented a small adobe house of Peter Davidson nearly opposite Post Street. It was a long, narrow building about 20 by 40 feet. It had no windows, only an opening in the tule roof. This sucked up the smoke in place of a chimney. The floor was of dirt. Fires were built on the floor under the opening in the roof. The door of the house was a bullock's hide suspended from the top of the doorway. The first thing that Mr. Reed did when he occupied the house was to build a fireplace. One corn-

er of the adobe was occupied by Mr. and Mrs. Reed. The other corner by the children.

In that building was born Charles C. Reed, the oldest living American native son of San Jose.

Outside the house in a lean-to of thatched willow poles was the blacksmith shop of Hiram Miller and his brother Jacob, who had the first American forge. Hiram Miller had helped save the lives of the Reeds and the Donners when they were starving at Truckee Lake, and so, they always remained his warm friends. In Hiram Miller's forge was tested the first gold sent to San Jose by Captain Sutter. Very soon afterward Miller went with James Frazier Reed and Dr. Corey to the mines.

Reed left his wife and children in charge of their cousin, Cadman Keyes. Soon they all moved into a more comfortable adobe owned by Mr. West in the road now called First Street. Keyes occupied one part of the house.

At this time the Indians were making threats against San Jose. Mrs. Lewis said they often rode up and down the streets and peered in the windows.

This greatly frightened the children. In order to shut out of view the Indians Mrs. Reed hung shawls at the windows, although she herself did not fear redmen. She said to her daughter Virginia, who later became Mrs. Murphy:

"Virginia, if you are afraid get under the bed."
By ridicule Mrs. Reed succeeded in stiffening the child's courage.

When James Frazier Reed came back from the mines he had a large fortune. He gave up all idea of returning to Il-

linois because already he had many business interests and he soon became the possessor of large acreage.

There were no banks, and he kept his gold in a trunk. Mrs. Lewis recalled that each child had a little pouch of deer skin to hold gold dust. When they went shopping each took the pouch. The purest gold came from Moquolumne Hill. The Tuolumne dust was coarser. Many a stranded miner found his way to Mr. Reed's house, where he always received food and a loan. Reed never took the names of men to whom he lent gold dust. Only one, said Mrs. Lewis, ever repaid her father. That man was an editor named McElroy, who borrowed \$500 for a printing press.

Mrs. Lewis recalled that in 1848 and 1849 merchants accepted no less than one dollar. At that time the principal store was owned by Belden and Bassham in the southern part of the plaza. Here could be bought anything for family use. Soon after the discovery of gold came Mr. Lion, father of the Lion brothers. Mrs. Lewis said that Lion's was the first high-class shop in San Jose. Here could be bought the best French goods at reasonable prices.

Mrs. Lewis showed me her wedding dress made in 1853. For elegance of design and material it would be quite perfect today. It was of white satin, laced in the back. The bodice was pointed and the skirt full. Mrs. Lewis, who was an expert needle woman, made it herself. The low boots reaching just above the ankle were made of soft white glove kid. They laced at the sides and were without heels, Heels did not appear till the later fifties. Mrs. Lewis' wedding stockings had white silk bottoms, the tops being

pale blue.

Mrs. Lewis knew well the social life of San Jose for 40 years. She said that in the early days the Palomeris, the Castros, de Sotos, Picos, Sunols and Bernalis were among the important Spanish families. The Spanish Californian women were skilled with the needle. Most Spanish women wore very full skirts. Instead of bodices they had white muslin waists short of sleeve and cut low. The well-to-do and fastidious Spanish women had these blouses elaborately ornamented with drawn work and embroidery. They never wore wraps nor hats. These were replaced by rebosos gracefully draped over their shoulders and heads. The late Mrs. Virginia Reed Murphy had one of the most beautiful rebosos ever seen in San Jose. It was of bright green and rose embroidered in the shades of Canton china. This reboso cost several hundred dollars.

Mrs. Lewis recalled going to a wedding in the Romano family near the Southern Pacific station. The Romano adobe was one of the best in San Jose. The garden was always fragrant with Castilian roses. Mrs. Lewis remembered that the wedding gaiety lasted days. Guests were entertained in the garden back of the house. Temporary arbors made of willows were erected. These were called ramadas. One was a resting place for women, the other for men. Here the young people took a siesta when their light feet were weary of dancing.

Before '49 Mrs. Lewis said that the native Californians and the young Americans mingled in society, but after the Americans became rich and the Spaniards poor the two races seldom met.

"Gold," said Mrs. Lewis, "was the death of romance

and of the quaint Spanish customs in San Jose."

273. GOAT INDUSTRY IN SAN JOSE

Dr. George McCracken was the man who introduced goats in San Jose as an industry. This was in the late sixties. The late Mrs. Elizabeth McCracken, widow of Dr. McCracken did not remember whether it was in 1867 or 1868. Dr. McCracken became interested in goats through reading that the meat and milk were good food for the tuberculous. Tuberculosis was not so common nor so much talked of as today, but Dr. McCracken had a medical man's interest in anything to restore health. Finally he decided to plunge into the goat business, and he went to Watsonville where he bought of Landrum & Rogers 100 head for \$1500. Among them was the wonderful prizewinner, the Monarch.

The goats were not of the kind that produce cashmere shawls, but of the coarser Angora variety. Frank Lewis bought a half interest in the goats. The herd eventually grew to number 3000.

From the start the goats were not a success. The market had not been prepared for them. Mrs. McCracken made some of the skins into white foot rugs. Others were converted into buggy robes.

In connection with the McCracken-Lewis goat business, the first glove factory was started in San Jose in Hobson Street, on the banks of the Guadalupe. It was called the Angora Robe and Glove Company. Its office was in the Music Hall Building, in North First Street. Here were made men's gloves, and many well-to-do women obtained employment. The factory is still owned by the

sons of C. P. Bailey, who, in later years, made a success of the goat business. Henry Welch, the veterinary, was the only person who could dye goat skin without it becoming rigid. Mrs. Welch stitched the gloves. At that time, people would not eat goat meat, because of prejudice, but those to whom it was unknowingly served always spoke of its delicious flavor, which is very much like that of the antelope.

The end of the first venture in goats in Santa Clara County came when the feed in the mountains on Pine Ridge, back of Mount Hamilton, where they were kept, was killed by two dry seasons in succession. The winter, too, was unusually hard and the animals were so hungry that Dr. McCracken and Mr. Lewis were obliged to have green leaves cut from the trees to feed them.

With the public refusing to eat goat meat, and with no market for the hair, and only a small demand for the skins, and with both summer heat and winter cold fighting the life of the animals, Dr. McCracken and Mr. Lewis abandoned their venture. They sold the remnant of their herd at auction and accepted what anyone would give.

274. FORTY YEARS OF GOATS

For 40 years the late C. P. Bailey was in the Angora goat business in California. He succeeded not only in making a success of it in San Jose and in California, but his skill, foresight and persistence permanently established the Angora goat business in the United States. From Mr. Bailey's son, Dr. W. C. Bailey, Ex-President of the Chamber of Commerce, I learned something of the life and business experiences of his father.

In 1865, Mr. Bailey was lured to California by the stories of wealth in mines. The mines were over-crowded, and so, Mr. Bailey, who was a well educated man, became principal of the Monterey public school.

Always he heard much talk of livestock because he had an uncle who had many sheep in Nevada and Monterey. About this time the young teacher began learning fabulous stories of profits from goats. It was said that eight dollars a pound could be obtained for the hair.

Already the goat business had been introduced into California. William Landrum of Watsonville in 1860 brought overland by way of Texas two bucks purchased of Colonel Richard Peters of Atlanta, Ga. The Landrum goats were obtained from Dr. James B. Davis of Columbia, South Carolina, who, at the request of the Sultan, had gone to Turkey to teach the Turks the cotton industry. The Sultan was so pleased with Davis and his work that in 1849 he gave him nine choice animals. Davis did not do well with the goats, and so, he sold them to Colonel Peters.

Monterey is only a step from Watsonville, and soon Dr. Bailey was deep in the study of Angora goats. In 1865 he took up a homestead near Soledad 48 miles from Monterey. He hired a man to stay there during the week, and Saturdays and Sundays he rode over to his homestead. The 160-acre home-stead has since grown to be 1000 acres, and is still in the possession of the Baileys.

From the Landrum bucks Bailey obtained a nucleus for a herd of goats. His first goats were only quarter breeds. The fine Peters goats had been crossed with common Mexican goats. But

soon he began collecting goats and sheep to place on his ranch. Later he bought 2000 acres in Nevada. At one time his herds ran over a range of 50,000 acres in Nevada rented by him. Mr. Bailey had as many as 10,000 goats. The highest price ever obtained by him for a goat was \$1050. The name of this animal was Pasha Columbia, a son of the great Pasha. The prices of goats range from \$25 to \$100.

Mr. Bailey bought fine goats wherever he could. He furnished money to importers to bring them from Turkey. Many others went into the goat business and failed. Bailey bought their stock. Always; he purified the breed by selection. He became owner of the great South African buck Pasha. Pasha's blood is in the veins of more goats than that of any other sire. In 1899 Landrum pronounced Pasha the most perfect goat ever seen by him.

During a period in the East the goat business almost entirely died. For ten years alone Mr. Bailey held on in California. Always he had faith that the Angora goats would come into their own. In reality, the goat industry spread from California eastward. Now in the middle west since the new and beautiful uses for mohair, many find it profitable.

Mr. Bailey died in 1900 and left his business to his sons, Dr. W. C. Bailey and Everett Bailey.

275. DEFYING THE SULTAN

To defy the Sultan, to elude the vigilance of the Italian Government, to land in California some of the finest Angora goats ever brought to this country--this was the business venture of Dr. W. C. Bailey, ex-manager of the Chamber of Commerce, while he was yet in his twenties in the year 1901.

Dr. Bailey had just received his degree at the Cooper Medical College when he made up his mind to go into the interior of Asia Minor to get new blood for improving the herd of his father, the late C. P. Bailey.

The Sultan had issued an edict against Angora goats being exported from his kingdom. It was imprisonment and death to disobey the Sultan, but Dr. Bailey was young. He had no time nor inclination to consider difficulties and dangers. All he could think of was that somewhere on the rolling plains of Asia Minor were silver-fleeced goats that would increase enormously the value of the Bailey herd.

C. P. Bailey told his son that it was impossible to get those goats out of Asia Minor. No American had ever done it. All the more reason, thought the young man, why he should choose this as his adventure. The father agreed to finance the expedition though he doubted its success.

Young Bailey went to Washington, where he met Secretary James Wilson, Secretary of Agriculture. The Cabinet minister was delighted with the idea and energy of the young man.

"Get those goats. We need goats in America. If it's necessary the Government will back you up."

The secretary gave the young man a commission to investigate agriculture in Asia Minor.

First young Bailey went to Bradford, Eng., where is the greatest factory for manufacturing mohair in the world. There he learned all about manufacturing mohair.

Then overland he went to Constantinople. It took two

weeks for our Ambassador to obtain from the Turkish Ambassador a passport to visit Asia Minor--two weeks delay and "bachsheeh." Finally Bailey was free to start. He went by rail. Two days was the time from Constantinople, 150 miles by train. The train did not run during the day.

Young Bailey fitted himself out in a town near Angora, Asia Minor. There he fell in with an Englishman who got him an interpreter or dragoman and an outfit. He bought an old hack, the most comfortable conveyance to be found, and engaged two horses and a driver. Dragoman and the driver insisted that they should have three horses. What for? The Evil Eye. Three was a lucky number. It would never do to go with fewer than three horses and so the extra horse was fastened to the rear of the wagon. Around the horses' necks were three strings of glass beads, these to ward off the Evil Eye. Dr. Bailey still has some of those beads. They had three soldiers for protection against the bandits, though the soldiers were often known to turn bandits.

It was a strange expedition led by the young San Josean that set out to journey 200 miles through the Bible Land. Dr. Bailey says he knows the country has not altered in 200 years, and he doubts whether it has changed in 2000. They went over hilly, brown plains, covered with sagebrush something like the State of Nevada.

It was early spring, and the valley lands were just being plowed by oxen attached to a wooden stick with iron on the end. The men working in the fields were usually helped by their three or four wives. A man's importance in Asia Minor depends greatly upon the number of wives that he can afford.

There was not much variety in the costumes of the

men. The natives were all dressed alike, wearing a fez or turban, a loose blouse or shirt, baggy trousers coming to the knees. Occasionally a man had an oddly shaped turban. He was one who had suffered and starved and made the great journey to Mecca. Such an one was bowed low to by the soldiers and the dragoman.

No one knew why the young American was in Asia Minor. No one but the Ambassador at Constantinople. But the young American was evidently a great man because he traveled with many attendants, and because he had a Turkish passport which opened all doors. He was a very curious looking person to these inhabitants of Asia Minor. He did not wear a fez. On his head he wore that strange looking thing called in his own country a "derby."

Many fathers who had never before beheld an American brought their sons to look at this young man from San Jose. One of them remarked: "The American wears a strange hat. He is afraid that God will look into his eyes."

Women, as he went on, young Bailey seldom saw. The women of Asia Minor were mostly under lock and key. A few there were carrying jugs of water that met the little caravan. They turned their backs on the American and backed away from him. Never once did they turn their heads to see what the foreigner might be like. Occasionally a strange woman, a Greek or an Armenian was seen, but they, too, never lifted their gaze to meet the American.

Young Bailey investigated everything in order that his purpose should not be suspected. He had not traveled far when he saw coming down the hills the Angora goats with their fine brown eyes looking out of ringletty white silken fleeces that almost touched the ground, their delicate spiral horns twisting backward. These

were the animals he had come thousands of miles to see.. Sometimes they were in flocks of ten, sometimes 20, not often more than a hundred. They had not been highly bred. Their beauty was like the beauty of flowers and all nature, the beauty of accident and freedom. But sometimes among these little herds he saw precisely what he wanted, and then, he began bargaining for one of the number.

Impossible. The Evil Eye would haunt them if they sold one goat. So young Bailey was often obliged to buy 15 or 20 animals and release the interior ones in order to obtain his desire.

276. DEFYING THE SULTAN PART II

By camel train Bailey shipped his goats into the town of Eshcher whence he intended to start back to Constantinople. Travel in Asia Minor is most difficult. There are no scattered farm houses as in America. Wild bandits who would take a life for \$3 drive the people into small communities where they live in unpainted and latticed houses under an agah or chieftain. At the approach to one of these communities was an animal's head set upon a pole to ward off the Evil Eye.

In these small places Bailey usually found a Khan or hotel where he stopped for the night. The only food that he took with him was quantities of black bread made in loaves a yard long. These were, according to the custom of the country, suspended from the side of the hack. They arrived at the Khan, which was usually of one story with a long room and dirt floor.

Here a light always burned and a brazier gave its welcoming heat to incoming travelers. Around the edge of the room were divans where guests slept. These divans were made of boards

covered with goat skin. Not a woman was in sight, but often in one corner was a man shearing a goat skin. In another corner was a servant making coffee. No liquor was consumed in Asia Minor, only coffee and cigarettes, then cigarettes and coffee, and coffee and cigarettes from morning till night.

Sometimes the stock was placed in one end of the Khan. Sometimes it was placed in an adjoining room. Never was it far away from the owner.

In this large room all ate, seated in a circle on the floor. At each place was a wooden spoon. Dr. Bailey found that the courses of the dinner alternated between sour and sweet. A pancake was brought in first, then soup was served by a servant or by one of the party. Then came a sour vegetable and the next course was a sweet vegetable.

The natives ate little meat, but mutton or goat was served for the American. Meat was carved with the fingers. Only for soup was the wooden spoon used. The last dish was of rice cooked in rancid grease. This was the most palatable.

When night came Bailey always fell asleep on one of the divans only partly undressed. Others had revolvers under their pillows, but he was unarmed. To this he attributes the fact that his life was unharmed during his stay among these desperate men. He slept in the same room with as many as 14 armed men.

For two months Dr. Bailey lived in this manner without ever being able to take even a sponge bath. After traveling 200 miles he collected two beautiful does, Moholitch and Ekschehr and the bucks Beibazar and Kjutish. Then he felt that now he could safe-

ly turn toward California. In that part of Asia Minor people knew nothing about the laws of the country. They did not know that it was forbidden to export Angora goats. They thought it was an oddity on the part of this traveler to want to take back to America with him some curiosities of the country.

Nevertheless, the American never knew when they might learn that he had no right to take the goats. When he left Eskschehr after Bailey came riding fast a group of natives signaling him to stop. He paused fearing it was the end of his goats and of him.

However, it proved to be only messengers from the agah asking him to give medicine to the ruler for a heart lesion. Then he realized the value of being a medicine man. Gladly he sent back the drug to the chieftain and went on his way to Constantinople.

In the suburbs Bailey met the Englishman who had lived in the country for 30 years and who had lent him his dragoman. The Englishman taught him the ways of Asia Minor. The goats could not safely be taken into Constantinople. Their beautiful silvery fleeces were sheared. They were sifted with coal dust in order to look like common goats. Even that was not sufficient precaution. "Bacheesh" hid them under a boat load of hay when they went across the Bosphorus. "Bacheesh" put them into closed carriages. "Bacheesh" carried them past the police. Police opened the windows of the two carriages, the one occupied by the Englishman and the two goats and the other occupied by the American and two goats, but out went a hand as each window opened and "Bacheesh" closed the eyes of the police all the way across the city. "Bacheesh" landed the goats on an Italian steamer.

For the first time in Athens, Dr. Bailey breathed freely and dared write his family. After that he had the goats and he was on his way home.

He thought his troubles were over, but they were not. At Palermo, Sicily, the government officials demanded his clearance papers for the goats. He had none, and he could not explain why he had none. Clearly, thought the officials, the goats were diseased. The next morning they must be killed. "I'll land them on a raft and take them on an American ship so that they need not touch Italy," promised Bailey.

"They must be killed," answered the officials. Argument was useless.

Dr. Bailey was not an American business man to be beaten so easily. He found an American vessel laden with lemons sailing that afternoon for New York. He asked the captain if he would take the goats to New York.

"Yes," answered the captain when the situation was explained. "I have some business on shore. While I am away from the ship put them on board, I won't know a thing about it, but I'll land them in New York."

While the officials were napping the goats were placed on the American ship. When morning came the customs officers returned. Where were the goats? Bailey did not know, but he silently hoped that they were far out at sea. He was fined \$200. "I haven't i it," protested Bailey.

The ship pulled out the next morning, and Dr. Bailey added to me, "I think I owe them that \$200 yet."

The goats arrived safely in San Jose. Crowds gathered to see them. Their descendants are numbered by the thousands. In every flock in this country some fleeces are finer because Dr. Bailey dared that two months' journey through Asia Minor and defied the Sultan.

277. SURVIVOR OF TERRY-BRODERICK DUEL

A few years ago I talked with the late George Jefferson, who came to San Jose in 1854.

Mr. Jefferson was probably the last eye-witness to the most celebrated encounter of pioneer times, ones that cost the State its ablest public servant, Senator Broderick. Mr. Jefferson was 88. He lived at the corner of Eleventh and St. John Streets. He came from Massachusetts, his native State, to California by way of the Isthmus in 1852. After Mr. Jefferson arrived in San Francisco he went to Coloma, El Dorado County, where he had a hotel for several months. For a time he was the superintendent of the El Dorado Water Company. In 1854 he went East, but after several months he returned to San Francisco, where he had a livery stable.

In December, 1854 he traded his livery stable for a milk business in San Jose, and came here to live. He married the daughter of Peter Quivey, but he made frequent trips to San Francisco. He became acquainted with Senator Broderick.

At that time there were two factions in San Francisco, the North and the South. Broderick was a man of strong feeling, and represented the North. Terry, who was excitable and melodramatic, was always ready to eat fire. The least word and there was a fist fight between the Northerners and the Southerners.

One morning while at breakfast in the National Hotel, Broderick, in commenting upon a recent Supreme Court decision, declared that hitherto he had always believed that there was one honest man on the Supreme bench, but he had been compelled to change his opinion.

Mr. Pearley, a friend of Supreme Justice Terry, heard the remark and challenged Senator Broderick. The Senator refused to accept the challenge on the ground that Pearley was not his equal. Pearley reported the matter to Terry who resigned from his position and challenged Broderick.

Mr. Jefferson was in San Francisco with James Miller, who owned the livery stable, when he heard that the duel was to take place. He had never seen a duel, and he determined to be on the grounds when it came off. He and Miller agreed to go together.

They started at 3 in the morning September 12, 1859, and went by way of the Ocean House to Lake Colma. A crowd of some size had gathered by the time the preliminaries were arranged.

Broderick had been up all night and was white and nervous, but Terry was calm. Each had a hairtrigger pistol.

"When the word was given," said Mr. Jefferson, "I stood a short distance to one side, about opposite the middle of the space between the two men. I saw every detail. The word was given, and I heard 'Click, click.' The men took aim at the same time. Terry brought his pistol in front of him, his elbow crooked. He made a line shot. Broderick fired from the hip. I saw his bullet strike the ground, two-thirds the distance towards Terry. If his pistol had been raised higher, Terry would have been hit, but

he was unhurt and walked away. Broderick fell over. His friend, Leonidas Haskell carried him to his home where he died a few days later.

"People said Broderick's weapon was discharges sooner than he had intended, and it looked that way to me, but others who had watched him practice in the gallery said he always shot from the hip, and he often hit the bullseye. If he had not shot too soon Terry would have never lived to be killed by a United States Marshal. After the duel was over a man said to me, 'Terry will die with his boots on,' and he did."

278. LYNCHING OF INNOCENT MAN

After the murder of Don Jose Berryessa by Fremont's men at San Rafael the family became known as the unhappy Berryessas. Madness, war with squatters, poverty, blood-shed followed rapidly. One of the brothers, Francisco, was mortally stabbed at his house near the New Almaden mine in 1856 by a Chinelo named Lanra, who was found hiding in the house under the bed of Berryessa's sister.

In 1854, Santiago Berryessa, a brother of Don Jose Berryessa, was living quietly at the family adobe house on the ranch near New Almaden. Another younger brother, Damasio, but recently married, was also a member of the household. Like all the Spanish-Californians, the Berryessas fought continually to protect their property from squatters.

One of the squatters on the Berryessa ranch was a man named Alexander McClure. Santiago Berryessa warned McClure against building a fence on the Berryessa land. Every night McClure without fail built his fence. Every morning Berressa destroyed it. Great

was the bitterness in their hearts against Gringos because of the murder of their brother Jose and their cousin, the de Haros. Santiago himself had been imprisoned by the Americans at San Rafael. They, like most Spanish-Californians, believed that Gringos were dishonest and cruel. Berryessa feared them. Berryessa warned McClure that he would kill him.

McClure did not take the warning. Santiago Berryessa shot McClure the next day. Then he went into the adobe house and said to his family, "I've shot that Gringo. I am going to Mexico for safety."

There was great commotion, and Demasio, a devoted younger brother, said, "Santiago, take my new gun. It is better than yours."

Santiago took Demasio's new gun, left his own worn weapon with which he had committed the murder, and never again came back to California. Demasio's generosity caused his own death.

McClure did not appear among his friends. It was feared that he had met death in an encounter with a bear. A party was organized in San Jose to look for him. About 150 yards from where he had been shot was found his body in a decomposed state, his breast pierced by a bullet.

It was known that there was illfeeling between McClure and the Berryessas. The truth was suspected. A vigilance committee was organized in San Jose. The committee went to the house of Berryessa in the night and charged Demasio with the crime. He protested his innocence, but no self-respecting American ever believed a Spanish-Californian. The vigilance committee searched

the Berryessa house and found the gun of Santiago, who had fled to Mexico. The size of the bullet hole was precisely that of the bullet hole was precisely that of the bullet in McClure's body. Vainly Demasio Berryessa pleaded with the vigilance committee. Vainly did his aged mother protest his innocence, Vainly did the young wife weep. In the night the vigilance committee tore young Demasio away from his family.

The representatives of law and order were on horseback, but they gave Demasio no horse. Barefoot, he was dragged over the rough road, compelled to keep pace with the horses. Demasio's mother, who was born a Bernal, was a woman of great feeling and depth. After the vigilantes she ran, she and Demasio's young wife, pleading for a life of a man. All the way to San Jose the women ran, crying "Demasio is innocent. Save him!"

But the vigilantes believed that Demasio was guilty, and they believed, also, in punishing murder with murder. The vigilantes disappeared from sight of the women, but they did not give up, they did not cease crying "Demasio is innocent!"

Demasio Berryessa had no trial. After all, he was only one of a despised, conquered race. In the night he was hanged by several men to an old live oak tree in William Street, not far from Tenth Street.

Demasio's mother and wife wandered about the streets of San Jose calling for him, moaning that he was innocent, but not till morning did they find him. Then so limp did he swing from the tree that he seemed only a scarecrow of rags.

Demasio Berryessa was left hanging to the tree till

his wife and his mother cut down his body. Then the mother took him in her arms, and for hours the weak woman so strong in love, carried the heavy body of her son through the streets of San Jose moaning and lamenting "Demasio is innocent."

Only with difficulty was Mrs. Berryessa torn from her son's body.

Among the Americans the lynching of Demasio Berryessa produced great satisfaction. Justice had been satisfied. Law and order prevailed.

The oak tree where the tragedy occurred was always a trysting place for lovers. About ten years ago the tree was cut down.

281. OLDEST METHODIST CHURCH RECORDS

In the book of records of the Methodist Church at Santa Clara are the oldest Protestant records in the State of California. They were set down nearly 60 years ago by Reverend J. A. Bruner. They were given him by Reverend William Campbell, who was one of the first Methodist preachers at Santa Clara. Mr. Campbell was also the man who made the first map of the town existence, and it was made and paid for, as Mr. Campbell's inscription in the corner shows, by Reverend Father Real, the last of the Franciscans.

Mr. Campbell was of three brothers of that name who played an important part in the early history of both San Jose and Santa Clara. William and Thomas Campbell made the first map of San Jose for the Americans in 1847. At that time the town was a mile square. Charles Campbell, who preached at San Jose after the church here was established, was one of the most popular Methodist clergy-

men of early days. The town of Campbell was named for him.

The Methodists were the first Protestants to establish a church in this community because many of the early settlers came from Missouri, where Methodism was especially strong. The Campbells were from that State. They reached Santa Clara in 1846. William Campbell took up his residence in one of the adobe buildings belonging to the mission, "about 50 feet from the Catholic edifice," Here under the shadow of the mother church was preached the first Methodist sermon in California. The late Mrs. Smith of Livermore, who was at the battle of Santa Clara a few weeks later, is one of the persons met by me who heard the sermon. It was delivered in November, 1846, Reverend Andy Heacox of Michigan preached the sermon. He spoke to the settlers nearly every Sabbath until February, when he left for Santa Cruz.

After Mr. Heacox went to Santa Cruz William Campbell held the people together by having meetings at his home in Santa Clara. These continued throughout the summer of 1847. "The meetings," says the record, "were then moved to San Jose, where they were continued without being under the charge of anyone in particular until September, 1849, when William Campbell's brother Charles arrived as a local elder in the Methodist Church in Kentucky, and organized the first class of the Methodist Church in San Jose."

In 1849 Reverend William Taylor, who is so well known as a street preacher, came and held services for about 12 persons in Santa Clara at the residence of Wallace Finley. Mr. Taylor was afterward made bishop and sent to Africa as a missionary by the Methodist Church.

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In 1850 a brick building that stood to the west of the Catholic Church was erected by subscription. It served as a place of worship at Santa Clara. It was used by all denominations. Here often preached Charles Campbell.

The first pastor of the Methodist Church in Santa Clara was Reverend Charles Maclay, who came from the Baltimore Conference. Mr. Maclay was a man of great energy. He saw at once that the first thing to do was to build a church for his own denomination, of whom there were many in Santa Clara. Few persons know how the first Methodist Church of Santa Clara came into existence, but the late Mrs. Lucy Higgins, one of the first graduates of the University of the Pacific and one of the oldest residents of the town, found out.

On William Campbell's map of Santa Clara there is a six-acre square marked "corral." This corral is referred to in some mission histories as a part of the church property. Around the corral were adobe walls. Under the supervision of Reverend Charles Maclay these adobe walls were used in the construction of the first Methodist Church. Mr. Maclay was afterwards president of the University of the Pacific. His brother was William Maclay, an able preacher and missionary. His nephew was the late John Widney, once president of the Board of Town Trustees of Santa Clara and for many years treasurer of the University of the Pacific.

In building the first Methodist Church at Santa Clara Mr. Maclay worked with his own hands. He was often assisted by Drs. A. W. Saxe and Samuel S. Johnson.

The corral that furnished the brick is also the site of the Methodist building. The park at Santa Clara is about the

middle of the corral, as the Campbell map shows.

282. FIRST METHODIST CHURCH SOUTH

In April, 1850, the Rev. Dr. Joseph Baring, superintendent of the mission of the Methodist Episcopal Church, South, in California, came to San Jose and preached here two months. He did not organize a society for he had no one to supply as a pastor.

One year later, May 25, 1851, Dr. Baring formed a church of nine members. Their names were Susan Williams, Marcus Williams, Alexander Hatler, Nancy Hatler, Elizabeth Ray, Nancy Campbell and J. W. Powell. Among the other Southerners prominent in this church in the later days were the Whitemans, Langhorns, Hicks, Hoppes and Hammonds.

During the year 1852 the first building of the Methodist Episcopal Church, South, in California, was dedicated. Dr. Baring preached the dedication ceremony. It was the first brick church in San Jose. The bricks were made by "Grandpa" Pyle and Marcus Williams, a brick-maker by trade. People sat on benches. The church stood at the corner of Second and San Fernando Streets. In 1847 a two-story new wooden church was built on the same spot. The Methodists, South, rented the stores on the first floor and worshiped on the second floor.

The late Mrs. Elizabeth McCracken was probably a communicant of the Methodist Church, South, longer than any other person living in San Jose. She recalled the early clergyman and the excitement over her grandfather making the bricks for the building. Grandpa Pyle also gave \$1000. Marcus Williams, the brickmaker, contributed the lot to the Methodist, South. Mrs. McCracken said that for this reason she desired to have the church called St. Mark's,

but it was decided to name it St. Pauls.

Mrs. McCracken remembered the first day they worshipped in their new church they collected \$5000. Whe related an amusing incident of that first day's service. At that time tallow candles were used in San Jose. If you wanted to go anywhere in the evening you took a lantern with a tallow candle and made your journey. The only available evening light in the new brick church was tallow candles, but there were no candle sticks. Grandpa Pyle made wooden candlesticks and nailed them in blocks of wood to the side of the church. Then he seated himself under one of the candles. So interested was he in the service that he did not realize that the tallow from his candle was dripping upon his handsome cloak--in those days men wore long cloaks. Mrs. McCracken told of her grandfather's pleasure when she removed the spots from his handsome coat with blue clay.

In the early days the Methodists and the Methodists, South, immersed their converts in the Coyote. Mrs. McCracken was immersed as were many others. The Methodist Church, South, had long revival meetings. Some of these, she recalled, took place at the Berryessa church and one revival meeting lasted six weeks. Among those who participated were Mr. and Mrs. Truett, Mr. and Mrs. John Selby, Mr. and Mrs. Overfelt and Mr. and Mrs. Trimble. Some of the most successful revivals were at the camp meeting grounds of the Methodists, South, near Saratoga.

In 1874 the first brick church was burned and a two-story new wooden church was built on the original site. The first story was rented for stores and the second was used as a house of worship. When the earthquake came the building was badly damaged

and the Methodists, South, decided to build a new church at the corner of Second and San Carlos. In the homeless interval the Methodists, South, worshiped in the synagogue in the Y. M. C. A. building and in the North Methodish Church. The Methodists, South, sold the building lot which had been given them by Marcus Williams for \$50,000. It was not worth ten dollars at the time it was donated. The new church and parsonage were occupied in 1908. The Rev. E. E. Wall is the pastor.

283. FIRST METHODISTS IN SAN JOSE

There is much confusion in that pioneer church history in San Jose, but it is probably true that the Methodist were the first Protestants to hold services in the Santa Clara Valley.

About Nov. 1, 1846, a Mrs. Case and the Rev. Elihu Anthony arrived in the pueblo after a long trip across the plains. Their party camped on the edge of town where now are First and Santa Clara Streets. Mrs. Case was a zealous Methodist, and so, she determined to hold service the next day, Sunday. The Rev. Mr. Anthony preached to the little group, the first Protestant sermon ever heard in the valley.

From this time there is no record of a Methodist service until December, 1849, when the Rev. William Taylor, afterwards bishop of Africa, visited San Jose, organized a church and held the first Methodist class meeting. The class had ten members. This occurred at the residence of Mrs. Samuel Young, wife of the livery stable man, who lived at the corner of First and San Fernando Streets. The members of that first church were Mr. and Mrs. Cade, Mr. and Mrs. Mark Williams, Mr. and Mrs. Finley, Mr. and Mrs. John Jones, Miss

Roxana Young and Mrs. Nancy Young.

In his book on his religious work in California Bishop Taylor speaks of the assistance received by him from Dr. Grove W. Deal. Dr Deal was an assemblyman from Sacramento. He preached Sundays in the Senate chamber in San Jose and legislated during the week. Some valuable bills for the church were put through by Assemblyman Deal.

Bishop Taylor wrote that on April 1, 1850, he opened a subscription for the erection of a church. The following day county elections were held and it was a time of excitement. There was a race with a \$10,000 stake between horses owned by James Hedepeth and Andres Pico. Hedepeth's animal won. Bishop Taylor recorded the fact, but he said with pride that while he was preparing to build the house of the Lord he would not look to see a horse race.

In two days the bishop collected \$2000. J. D. Hoppe, afterwards killed in the Jennie Lind explosion, contributed \$100 and promised \$200 more. About that time missionaries for the Methodist Church, South, came into the field. When Hoppe found this out he refused to give the additional \$200. He said that two Methodist Churches would only bring strife. His prophecy was unfulfilled. The two Methodist Churches have always remained friends.

Soon afterwards a building in Third Street near Moody's Mills was purchased by Methodists. Early in the year 1850 it was dedicated to the worship of God by the Rev. S. D. Simonds. In July, 1865, the building was moved to the corner of Santa Clara nad Second Streets and was considerably enlarged. This building was dedicated by Bishop Kingsley.

by Bishop Kingsley.

The Methodist grew rapidly, and already they had a Sunday school of 45 pupils. The Rev. Mr. Bannister, one of the first school teachers in San Jose, was also the first superintendent of the Sunday school.

In 1867 the Methodists erected a handsome building in Second near Santa Clara. They did much missionary work among the Chinese and had a large class made up of Chinamen. At this time so great was the hatred of the Chinese in California that the Methodist aroused great antagonism because they declared that the Chinese had souls to save. Just after they took possession of their church and had put the hymn books in place it was burned. Their pastor, the Rev. Mr. Dunn, was warned to flee on penalty of death.

However, the Methodists were not to be intimidated. They continued services in Murphy's Hall in Market Street and in the Presbyterian Church.

On Monday night after the fire, the trustees met and planned a new building. In one day \$6000 were pledged. Some of the leading Methodist families in the early days were the Stringfells, the Bedfords, the Joseph Arams and the Claytons. James A. Clayton often gave more than \$2000 a year to the church.

The church was immediately rebuilt at a cost of \$21,000. Bishop Kingsley preached the dedication sermon July 18, 1869.

284. THE OLDEST METHODIST

One of the eldest members of the Methodist Church I ever met was the late Mrs. Sarah Rodgers who lived at 1037 South First Street. Mrs. Rodgers came to California in 1852. Her husband bought

a part of the Santa Teresa ranch. Mrs. Rodgers told me that in the fifties there were several Methodists in the vicinity of Edenvale. They held services in the schoolhouse because they were so far from San Jose. Often Mrs. Rodgers was hostess to the itinerant ministers who journeyed up and down the valley teaching. The first ones rode on horseback. Later they came in buggies, then they had two horses.

Usually a minister passed every month. Often the students came from the University of the Pacific and preached. Gradually the Methodists moved away and Mrs. Rodgers was left alone in her district to be preached to. In the sixties she became a member of the First Methodist Church in San Jose.

With pleasure Mrs. Rodgers recalled that in the early days when camp meetings were held in Cook's Grove near Santa Clara people came from as far as San Francisco. At that time no Methodist danced, played cards or attended theaters. The dime social was the only substitute for frivolity. At these parties young ladies inveigled young gentlemen into alternating coffee with ice cream for an evening, often to the detriment of the stomach and pocket of the youth but to the financial good of the church.

The Methodists remained in Second Street till after the earthquake. The building was badly shattered, and so, they sold it and built their present handsome church at Fifth and Santa Clara Streets of which the Rev. Channing Richardson is pastor.

280. ROCKEFELLER INCOG IN SAN JOSE

E. C. Munn who for 28 years was superintendent of the Alum Rock Park and who now lives in Napa, was once host to John D. Rockefeller and J. Pierpont Morgan incog at Alum Rock Park, and

until long afterwards no one knew anything about it. The poor rich millionaires were incog. They seemed almost like fugitives from society. During their stay of several days they lived on their private car at the railway station. This was before the time of automobiles, and each day they were driven to Alum Rock in a surrey by a man named Ross. They had this in common with ordinary mortals, they loved Alum Rock Park. They drank the mineral waters, and Mr. Rockefeller expressed himself concerning the beauties of Santa Clara County with eloquence and mathematical precision; he said it was worth the price of the ticket from New York to look at the valley.

When Mr. Rockefeller first arrived in the valley Mr. Munn says that he asked whether there were any reporters, men or women, in the park. When assured that there were none he breathed more easily and seemed to intoxicate himself with the many kinds of mineral waters in the park. He recklessly mixed drinks.

Mr. Morgan and Mr. Rockefeller during the several days of their stay came daily to the park. Rockefeller said that he would like to buy it. It was one of the most beautiful places in the world. Mr Munn, who was always eager to make friends for the park, suggested that it needed donations. This face did not move Mr. Rockefeller to generosity. Very gravely he warned Mr. Munn against giving money to a city, cities were ungrateful. He said that he preferred giving to colleges and churches.

During the three days' sojourn in San Jose of these richest men in the world they saw very few friends. One of the exceptions was the banker, Mr. Nesmith. He was one of the park commissioners, George B. Bowman was another who was allowed to speak

with the money potentates. Mr. Bowman used to meet them on their way into town and play golf with them on the old links.

Another celebrity who enjoyed immensely Alum Rock was Admiral Schley. He came to the park with ex-Mayor Worswick and Dr. Davy. Mr. Munn gave the Admiral several kinds of mineral water. In leaving the Admiral said: "Munn, I never saw a man who could get up so many drinks as you."

285. FIRST PRESBYTERIAN CHURCH

Presbyterians led other Protestant denominations in organizing a church in San Jose. In the spring of 1849 the Rev. John W. Douglass came here and was immediately appointed Town Chaplain. Saturday Nov. 6, Rev. Mr. Douglass asked a number of religious persons to meet him at the residence of James Mathers. Those present were Mr. and Mrs. Mathers, Warren Dutton, S. W. Hopkins, Oliver Crane, Austin Arnold and Dr. James C. Cobb. They prayed and passed a resolution to organize a church the next day.

The following day was Sunday and a sermon was preached by Mr. Douglass. That afternoon a church was organized called the Independent Presbyterian Church of San Jose. The word independent was used probably because the church was so far from the parent institution.

This church was organized in the juzado where services were first held. Soon afterward Presbyterians met in the hall of the legislature. The sacrament was first administered October, 1850, in a blue tent which was built by the Rev. S. V. Blakeslee for a school room in Second Street. This tent was sewed together by Grandma Bascom.

Mr. Douglass left San Jose and his place was taken by

the Rev. Mr. Brayton. The first anniversary of the Presbyterian Church's life was observed Oct. 6, 1850, in ght State House.

A few months later a neat little white wooden church with green blinds was being built on the East side of Second between Santa Clara and St. John Streets. This church could seat 180 people and cost \$3000. It was dedicated Feb. 9, 1852, by the Rev. S. H. Willy. Later when the Presbyterians had their handsome church in Second Street this small building stood to the north of it. At one time it was used as a Sunday school and then moved back of the brick church. Finally a large brick Sunday school building was erected, and the little church with the green blinds vanished.

Mrs. Nellie Blessing Eyster and the late Mrs. Mary Carey were two of the most zealous Presbyterian teachers. They did much missionary work among the Chinese and for them the Orientals have always had deep friendship.

Early presbyterian clergymen were the Rev. Mr. Corwin and the Rev. Mr. L. Hamilton for whom Mt. Hamilton was named because he was the first person to climb it.

During a part of the year 1857 and 1858 the church was closed for repairs. In 1863 the Presbyterians built a new church with Levi Goodrich architect. In 1865 the Presbyterians built a new church with Levi Goodrich architect. In 1865 the word independent was dropped from the name and the organization became the First Presbyterian Church of San Jose. Prominent Presbyterians of the early days were the E. P. Reeds, the Doctor China Smith, the Doctor Breyfogles, the De Los Hayes and the Joseph Arama. One of the most important members of the Presbyterian Church and probably the one longest a communi-

cant was E. J. Wilcox.

For more than 60 years the Presbyterian Church stood in Second Street. In 1868 it suffered greatly from the earthquake. It was necessary to spend \$6000 to repair the church. In 1906 again the Presbyterians met with a great loss. They were obliged to leave their church so great was the earthquake damage. Now they have a handsome new home in Third Street near Santa Clara.

During the early sixties the Presbyterian Church was used by Bishop Kip of San Francisco for holding services before the Episcopalians established their church.

In 1875 some attendants of the Presbyterian Church with others formed the Congregationalist Church.

The late E. J. Wilcox told me when he came to San Jose already in the church were doors, shutters and pews which came round the Horn from Henry Ward Beecher's Plymouth Rock Church. They had been presented to the Beecher church by the church of the Rev. Dr. Cox of Brooklyn, New York. Long were they the prize of the First Presbyterian Church, but the church outgrew the old fashioned pews. They were sold to the Friends Church near Stockton Avenue. The Friends in turn disposed of them to the Free Methodists, After a time the Free Methodists demended more modern furniture, and the Beecher pews were got rid of. Probably only one of these historic pews remains in the basement of the Free Methodist Church. One pastor of the First Presbyterian Church, the Rev. Dr. Campbell, was eager to locate the old pews and have at least one in the church.

E. J. Wilcox recalled the first time that he entered the house of worship.

In 1852 Mr. Wilcox had just arrived in San Jose on the Flying Dutchman. He had come around the Horn. On shipboard the mate advised him to go hear the San Jose Presbyterian minister. On a previous journey the minister, so declared the mate, had preached a great sermon on shipboard. Mr. Wilcox did as advised and he was not disappointed. He listened to an eloquent sermon.

To the astonishment of Mr. Wilcox after the clergyman finished he told the congregation that he had no breakfast and had not a penny to his name.

Then up rose C. T. Ryland who had not yet become a Catholic. Mr. Ryland made a splendid appeal for the clergyman. One of the most touching impromptu addresses ever heard by Mr. Wilcox. A hat full of gold was presented to the needy clergyman, and never again was he neglected by his parishioners.

The Rev. J. A. Stevenson is the pastor of the Presbyterian Church.

286. OLDEST PROTESTANT CHURCH BUILDING

Of all the pioneer Protestant Church buildings in San Jose, only the Baptist house of worship still stands. It is at the corner of Fourth and San Antonio Streets and since about 1860 the colored Methodists have occupied it. Recently I visited the tiny church. Among its pews are two rickety old pews upholstered in dark red, undoubtedly among the oldest pews in San Jose.

Like all other Protestant denominations, the Baptists first worshipped in private houses. Their earliest church was organized by Rev. O. C. Wheeler, May 19, 1850. It had eight members, L. O. Grinnell of Elbridge, N. Y., was the first pastor. He began service

in December, 1850. The first baptism took place that month. It was an immersion in the river.

For a brief time the Baptists shared with the Presbyterians a room in the State House as a place of worship. The first church built and occupied by them stood at the corner of Third and Santa Clara Streets. The church and lot cost \$2900.

Not long were the Baptists in their new home. In the summer of 1853 the church was burned. The Baptists were badly crippled by this loss, but in December, 1856, they occupied a rebuilt church.

The Rev. Henry N. Henderson was pastor from 1850 to 1856. In 1851 members of the church formed the Santa Clara Church. Rev. O. B. Stone was pastor in January, 1858. He also officiated at Santa Clara.

About this time brick was popular as a building material, and there were many brickyards in San Jose. The Baptists built a handsome brick building on the site of the present church at the corner of Second and San Antonio Streets. It was opened for worship in February, 1859, and the old church was sold to the colored Methodist. In 1860 a parsonage was added. It stood on a lot adjoining the church on the north. Afterwards it was sold. A baptistry was built in 1865.

In 1875 the congregation was too large for the brick church. The earthquake of 1868 demonstrated the danger of building of brick. The Baptist Church was taken down and a new frame building erected and opened in October, 1875. This church was destroyed by fire in 1882, but another was built and opened in 1883.

In 1884 members organized a church in Los Gatos. The following year 45 members withdrew and organized the Emmanuel Church. The building was unroofed by the wind in November, 1892. During the earthquake of 1906 the church was badly damaged, but it was restored in 1907.

One of the oldest attendants of the first Baptist Church found by me in San Jose was Donald Mac Donald, a Scotch gentleman who lived at 21 South Fourth Street. Mr. MacDonald first went to the Baptist Church in 1852 when he came to San Jose from the mines. He was a presbyterian, but he says that Baptist girls were supposed to be the prettiest girls in town and they lured him to the church. Miss Lottie Hester, daughter of Judge Hester, was a great beauty.

Mr. MacDonald also says that at that time political meetings were held in the Baptist Church. John B. Gough lectured there.

In the early fifties, according to Mr. MacDonald, the Los Gatos, Guadalupe and Coyote Creek were used by Baptists for immersion. Impressive was the sight when young women wearing long trailing skirts stepped out from the undergrowth on the banks of the river to be immersed. While the congregation sang the clergyman took the converts one by one in his arms and gently allowed them to sink into the river. He lifted them up, their faces transformed by the beauty in their souls. Often Mr. MacDonald says the spectators treated the immersion with levity. On baptismal days a crowd gathered and jeered at the scene.

The Baptist Church is at present presided over by Rev. William K. Towner.

From the late Mrs. Isabella Bothwell I learned of the schools in the early fifties. Mrs. Bothwell was the widow of the late Bruce Bothwell. Her sisters were Mrs. D. J. Porter and Mrs. Mary K. Lewis. They were daughters of the late Captain McKee. Another sister was the late Mrs. E. J. Wilcox. Mrs. Bothwell was the grandmother of Earl Bothwell, the jeweler.

In the early fifties, Mrs. Bothwell came to San Jose as a child, with her brother, sisters and mother. They made the journey in a sailing vessel around the Horn from New England. Captain McKee and one of his sons had preceded them. They arrived to find the Captain dead.

The first school attended by Mrs. Bothwell was at the corner of Third and Santa Clara Streets where now stands the Young Men's Christian Association. The building stood on stilts and underneath in rainy weather was much mud. Mrs. Bothwell named it the "Mud Flat School."

This was an ungraded school, the only one at the time in San Jose. In one end were the girls taught by Mrs. Mills, wife of Benjamin Mills. In the other end were the boys taught by Freeman Gates, one of the educators of early times best known in the history of San Jose. Afterwards he founded Gates Institute. The teachers gave only elementary instruction.

Among the pupils at "Mud Flat School" were Henrietta Rives, who married Dr. Bryant, and Albertina French who became the wife of Dr. Cory.

The late Senator James Lowe was a pupil at the school. Other students were Dr. Caldwell and James and William Kennedy who

taught in the public schools. The late Joseph Delmas and his brother Delphin Michel, the attorney, now in Los Angeles, also were at the school. They were sons of Mr. Delmas, the nurseryman, who had preceded his family by a year or two in coming from France. The Delmas boys were learning to speak English. Mrs. Bothwell said that D. M. Delmas was a clever lad. By his school mates he was called "Mitch."

Early Mr. Delmas showed talent for oratory. When he attended "Mud Flat School" Mr. Gates compelled students who had been naughty on preceding days to write a composition for punishment to be read before the entire school. D. M. Delmas' turn came to write a composition. In broken English he held a book before him and apparently read a long composition.

Mr. Gates saw that the boy was reciting, and not reading. When the lad sat down Mr. Gates said "Michel, next time write your composition. Don't recite it." The pupils did not realize that they heard perhaps the first-Delmas oration.

In later time Mrs. Bothwell went to Bascom Institute which was established in 1853 and was situated at the corner of Fourth and Reed. As a little girl one of Mrs. Bothwell's dreads was to pass Normal School square where wild cattle roamed.

228. RAILROAD CELEBRATION BARBEQUE

E. C. Munn, who lives in Napa, furnished meat for the barbecue celebrating the arrival of the first railway train from San Francisco, January 16, 1864. He has a distinct recollection of the occasion. Mr. Munn says that it was the greatest social event in San Jose's history, except the golden wedding of the Martin

Murphys. Meat was supplied by Potter & Pearl, Leddy Brothers, N. B. Edwards & Son and Munn. Much of the meat was bought, although the butchers made generous contributions. The barbecue took place at the Southern Pacific Station. Nothing marred the event except the killing of two barkeepers who had a fight over a woman. Munn recalls being summoned by the Coroner to assist at the inquest. He says that on the inside the dead men were so fat that they looked like leaf lard.

Munn said that as the train pulled into the station the president of the road, Judge Dunn, H. M. Newhall, C. T. Ryland and C. B. Polhemus got off with Charles B. Crocker as guest of honor. They all shook hands, and Crocker recalled Munn as the young man who had driven him with four horses over a northern California road.

"It was the first time I ever drove four horses," confessed Munn.

Crocker was surprised and offered him a job railroading.

"Don't take him away from me." urged C. T. Ryland.
"He cuts my porterhouse steaks."

Munn's market supplied meat for the Ryland table, and at the barbecue served the table occupied by the president's party.

In 1859 Munn came from Massachusetts to this State at the request of O. L. Crandall, his uncle, who was in the hotel business in Petaluma. Crandall moved to San Jose, where he opened the Crandall House, leased by him from the Auzerais Brothers. He

He also bought a block of land near where the west San Jose depot is. There was no house on it then, but Crandall kept his stock there. Around the Crandall property in 1866 Munn planted a row of poplar trees, which stood until a few years ago, when they were all cut. For years this part of town was called Crandallville.

289. RIDING WITH MURIETTA

The late L. Dow Stephens once passed a day with Joaquin Murietta, Mr. Stephens was a resident of San Jose from the early seventies till his death.

Mr. Stephens first came to this pueblo in March, 1850, while the Legislature was in session. Shortly after he passed through San Jose the capital was moved to Benecia. He told me that he did not visit the Legislature in session, but he recalled a song sung by the minstrels after the capital left San Jose. It ran something like this:

"San Jose was de capital ob California State.

Dey moved it to Benecia.

Dey's a-gwine to let it be dere

Till the water begins to rise,

Den day'll move it

To de odder side ob Jordan."

Mr. Stephens came to California from New Jersey. He was one of the "jay hawkers." He wrote an interesting little book called "Life Sketches of Jay Hawkers of '49." In it he spoke of meeting Brigham Young of Salt lake. He said that Brigham Young was of much the build of Colonel Roosevelt.

Mr. Stephens described for me his first journey

through Santa Clara Valley. They camped in the plaza at San Juan Bautista, which had only a dozen homes. Mr. Stephens remembered that early in the morning at San Juan Indians came and rang the bell with a riata which was suspended from the raw hide clapper. The bell was on a high pole in front of the Mission. Indians were barefoot, with soles like lows' hoofs. So tough were there soles that with their feet they could break down prickly pears.

At Gilroy, Mr. Stephens said, there was only one man, John Gilroy, the Scotchman, with whom he had a talk. His next stop was at Fisher's at Coyote. Then he came on to San Jose.

In his book Mr. Stephens spoke of San Jose as "a greaser settlement of adobe shanties and all manner of gambling dens running in full force. Santa Clara ran to Third. After that there was nothing."

Mr. Stephens said that after he left San Jose on his way to Mission San Jose the first house was occupied by Mr. Vestal, and the second by Mr. James Murphy. The Alvisos lived near the foothills on the east side of the valley. On the rest of the way to Milpitas there was only a horse corral.

When Mr. Stephens reached Livermore Valley, he was offered \$200 a month and board by Mr. Liverplains of the San Joaquin were of wondrous beauty. They were filled with wild horses, mustangs, elk and antelope. Mr. Stephens said that there was enough wild game to feed a nation.

After mining for a year Mr. Stephens in 1852 returned to Milpitas and took up 160 acres of land. He built the first cabin in that town and was its first American citizen. The Steph-

ens cabin stood across the creek from French's hotel.

This same year on a journey to Oakland Mr. Stephens met Joaquin Murietta. On his return trip to Milpitas, a few miles out of town he was accosted by a stranger on a splendid horse with a silver mounted-bridle who rode, looked and dressed like a Spanish Don. Till his death Mr. Stephens could not recall evil in Murietta's face. The highwayman was not very dark. He was slightly bearded and of medium height. He had a soft voice, a gentle manner and courtesy that immediately imposed itself upon the young American.

The stranger said that he was going to San Jose and asked if he might ride with him. Mr. Stephens replied that he might if he did not mind going slowly. The stranger answered that he was in no hurry. There was always time. Both were bound for San Jose and it would shorten the distance to have a companion.

Communication was easy because Mr. Stephens spoke a little Spanish and he liked to practice the Californian's language.

Never did he suspect that the handsome stranger who rode so leisurely was the man for whom all officers of the law were seeking.

With such a companion the morning passed pleasantly. At the Alvarado Ranch they asked for dinner. Of course. Were they not all good Christians? And did the Alvarados turn away either gringo or Californian? Three hours or more of the golden autumn weather were loitered away before they resumed their journey. It was a hot day, and at a creek they stopped to let their horses drink. There it was that Mr. Stephens first suspected that he was not riding with a great Don.

"Let me see your pistol," asked the stranger casually.

Something in the man's tone made the American suspect that the stranger intended to disarm and rob him.

"It's just like all Colt's revolvers," evaded Stephens. He kept his pistol in his belt.

After that one thought occupied the young American. How to rid himself of his companion. Fortunately they were nearing the Tyson and Morrison Ranch. Stephens knew the owners and he made that a pretext for leaving his companion. He said goodbye without asking his name. Gladly he passed the night at his friends' ranch.

During the following spring Stephens went down into the lower country to drive up cattle. To his amazement one day he met this strange companion riding furiously a black horse. It pleased the American that the Californian was so eager to make speed that he took no notice of the traveler.

"Did you see Joaquin Murietta?" called one of the ranchers from his cabin soon passed by the American.

"I met a fellow riding on a black horse," answered Stephens.

"That's him," said the rancher.

Then for the first time Stephens knew the name of the pleasant stranger.

A short time later Murietta was shot by Harry Love, who was well known in the early days about San Jose. Love also had a violent death. He was shot at Santa Clara by a man who punished him for brutality to Mrs. Love. Murietta's head for weeks was exhibited in a glass case in San Francisco. With it were the three

fingers of Three Fingered Jack, Murietta's fellow highwayman.

290. HOME GUARD IN CIVIL WAR

E. C. Munn, for nearly 30 years superintendent of Alum Rock park, was a member of the Home Guard in San Jose during the Civil War. Munn says that in the years 1863 and '64 the Home Guard was not related to the army nor to the National Guard, although several of its members volunteered. Among these were County Treasurer McCall.

Colonel Jackson, a farmer of Santa Clara, was in charge of the Home Guard. His sons still live in Santa Clara. J. J. Owen, editor of the Mercury, was captain. C. B. Coddington, a cabinet maker; James A. Clayton, Mayor Quimby, ex-Sheriff Kennedy and C. P. Crittenden, the school teacher, were also members. Another well known teacher, Mr. Hart, and John Rock, the nurseryman, were also in the organization. Mr. Munn says he tried to enlist twice for the war but he was rejected because of his arm.

The members of the Home Guard bought their own uniforms. For months they camped at the Encinal, now known as Alameda.

In San Jose they pitched their tents. The infantry occupied St. James Park, and the cavalry was in the Normal School Square. Nearly all the members of the Home Guard are dead. Mr. Munn recalls none except himself that still lives.

291. DROUGHT IN 1864

In 1864 California was parched brown by drought. It was at its worst in Santa Clara County. Here only four inches of rain fell. E. C. Munn who was buying cattle that year for his market recalls how black and barrenlooked the valley. Creeks went

dry. Springs gave out. It was said that goats climbed upon the roofs of houses to eat moss. Only the foxed, coyotes and buzzards grew fat. Mr. Munn declares that buzzards were were so fat that they could not fly. They had to sit.

Hay became \$100 a ton. Mr. Munn bought it for that price at the quito ranch.

Mr. Tully, who had a large tract of land at Evergreen where he raised wheat kept his straw and sold it at \$1.50 a bale. Irving Henning said that the grass was so short that a rawhide bag was fastened to the rear of mowers so that the grass would fall into the bag when it was cut.

Cattle died as if they had been poisoned. Everyone that could sell animals did so. But they were not fit to eat because they were too thin. Stock was almost given away to anyone who had feed. At that time the town of Hollister was merely the Hollister ranch owned by Colonel Hollister. The Hollister sheep sold at 25 cents a head at San Francisco where they were killed for their hides.

The late Henry Miller made an enormous fortune in 1864 by buying great herds of cattle for almost nothing. One of Miller's ways of being successful was to be far sighted enough to provide plenty of feed for his stock.

The late Charles E. Wade of Alviso and San Jose said that he bought good milch cows at \$5 a head. Beef cattle went begging at \$2.50. Water was bought for 25 cents a bucket from a man with a barrel in the streets of San Jose.

This year occurred the great rodeo when Henry Miller bought the herds of cattle of Fredrick Hall, the historian of San

Jose. The Hall ranch was in the Calaveras hills and all the best riders in the State were at the rodeo.

The cattle went for a song.

The following year beef cattle were bought for \$70 a head which 12 months before had been disposed of for \$2.50

292. POETESS OF NOTRE DAME

Miss Marcella Fitzgerald of Gilroy, is one of the oldest living pupils of Notre Dame Convent. She entered there for a short time in 1854, but not to remain. However, in 1856, she returned and attended as a boarder during the years '57 and '58.

Miss Fitzgerald's first connection with the convent really began in 1851 on the Isthmus of Panama. Her father, Patrick Fitzgerald, had died at his home in Canada and left Mrs. Johanna Murphy Fitzgerald a widow with six children. Bernard Murphy, Mrs. Fitzgerald's brother, a son of Martin Murphy the first, went to Canada to fetch Mrs. Fitzgerald and her children to California. In crossing the Isthmus on mule back the Murphy-Fitzgerald party met three of four sisters on their way to the Oregon Mission. Afterwards two of these, Sister Catherine and Sister Aloysia, came to San Jose and were teachers of Miss Marcella.

Of all the six little Fitzgerald children who Marcella is the only one living. One of her sisters who became Sister Anna Raphael of Notre Dame, was educated at the convent and played an important part in the life of the institution. She was one of its most capable sisters. She died some years ago at Notre Dame.

Miss Fitzgerald has written many poems on subjects relating to San Jose, Gilroy and California. One is an excellent

description of a rodeo on her grandfather's ranch when one of the Alviso boys of Alviso,

Another steer attacking him while he was being pursued. The horse fell on Alviso and crushed him. Another, poem has for its subject the old adobe of Martin Murphy, the first, at Morgan Hill where the patriarch usually resided.

Miss Fitzgerald's sister, Sister Anna, wrote a poem on the death of Lincoln which once well served the convent. After Lincoln was assassinated feeling was very intense. The sisters were so shut off from the world that they knew nothing of Lincoln's death for more than day after it occurred.

On Holy Saturday the convent children went into the garden hunting eggs. In their sport they laughed aloud. Passersby heard the childish gayety and the tale spread that the convent was rejoicing. People were eager to blame some one for Lincoln's death. Several of those suspected of being responsible for his assassination were Catholics. Indignation was so great that the word came to the Mother Superior that the convent was to be attacked at night.

Fortunately Mess, Anna Fitzgerald, then a teacher, had written a beautiful memorial ode on the death of Lincoln beginning:

"Has he fallen, our country's ruler?

Has he fallen our country's chief?

Mid the gloom of a nation's mourning

And the wail of our nation's grief."

An indignation meeting was held, and at that meeting Levi Goodrich, the architect, the Protestant friend and neighbor

of the sisters, explained that the convent children were not rejoicing. When they laughed they did not know that the President was dead. At the memorial Lincoln exercised J. J. Owan read Miss Fitzgerald's memorial ode and all bitter feeling was allayed.

In our conversation Miss Marcella Fitzgerald recalled the early convent days. She did not live through the most severe hardships of the first students. Already the convent had a handsome brick building which was in use till the convent was wrecked

Miss Fitzgerald says that at the time when she attended the convent there was a large class made up of Spanish girls who could not speak English, though they were well educated in their own language. They learned English rapidly.

Many of these Spanish girls Miss Fitzgerald says come from remote parts of the State. Those from the South were especially pretty. Two or three were fair, but most of them were dark with beautiful hair and red cheeks. From San Jose there were the Chaboyas, the Bernal, the Sunols, and from Southern California came the Estradas and Carillos. Among the Northern girls were the Vallejos and Castros. Many of Miss Fitzgerald's cousins were in the convent. Among them were Elizabeth, Yuba, Mary and Helen Murphy and Miss Miller of San Rafael. Another attractive and popular American girl was Miss Sallie Burnett, daughter of the Governor who afterwards married one of the Poe family of Baltimore. A younger student was Miss Mary Murphy, daughter of Martin Murphy Junior. She is now Mrs. Carroll of San Francisco and passes her summers at the Murphy ranch, which

is part of the Murphy ranch. Sunnyvale was built on the Murphy ranch.

293. MISS FITZGERALD OF MOSSY WOODLAND

Mossy Woodland is the home of the Fitzgerlads at Gilroy. It was formerly property of Martin Murphy, the first, and a portion of the grant of Las Animas. The Fitzgerald home was named Mossy Woodland by a vote of the family. It has a poetic name because there are two poets among the Fitzgeralds. The house stands far back from the road near an oak grove of several acres. The trees are festooned with moss. In the winter the moss looks like lace.

Miss Marcella Fitzgerald is the only one surviving of the six Fitzgeralds who came across the Isthmus with their uncle, Martin Murphy, in 1851, to make their home with Martin Murphy, the first. For years Miss Fitzgerald lived at Mossy Woodland with her wise, middle-aged black, French poodle, Buster.

Buster was the best possible protector of Miss Fitzgerald. If you were a man dog or a man human and visited Mossy Woodland you were obliged to beware. Buster knew his own sex and had little faith in them. But if you were a woman he would kiss your hand and welcome with all the gallantry of a French gentleman of high degree. Miss Fitzgerald and Buster gave me a warm Californian welcome. After I was seated Buster put his paws upon my knees and said to me all kinds of nice doggie words that he and I understood.

Miss Fitzgerald's house stood on the site of the old Fitzgerald residence, but it is a new home. Some years ago the old Mossy Woodland burned. It had a library of well selected books and an important collection of historical papers that went into the flames.

Miss Fitzgerald herself would have lost her life but for the sharp ears and devotion of Buster Brown.

The flames began in the house, but Miss Fitzgerald did not hear their crackling. She thought that oak balls were tapping on the roof, but Buster grew excited. Placing his paws upon Miss Fitzgerald's knees he entreated her to listen. With frantic anxiety he warned that something was wrong. She went upstairs to meet the flames and fled.

Of all Miss Fitzgerald's interesting belongings there were saved only a large photograph by the late James A Clayton of her mother, of her grandfather, Martin Murphy, the first. Besides this there was a sofa and a Bible purchased by her mother in San Francisco in 1851.

Miss Fitzgerald chatted with me of her coming to California. She told me that so difficult was communication between the East and West that when pioneer Martin Murphy in 1840 moved from Canada to Missouri he was lost to his relatives in the home place. In Missouri Mrs. Martin Murphy, the first, died and that prompted her sorrowing husband to seek a change of scene. He and his family moved to California in 1844. His train consisted of 26 wagons, and arrived in 1845 after a pleasant journey. It is said that the Murphys made the first wagon tracks in California.

Murphy and his sons found the country in a state of war. Leaving the women and children at Sutter's Fort the men enlisted in Mexican War service. After tranquility was restored the Murphys came to Santa Clara County and settled on the first ranch owned by Murphy, the Ojo de Agua de la Coche, where now stands Morgan Hill.

On the home place there was an old adobe which the Murphys lived in for many years. This adobe saw frequent distinguished visitors. Among them was General Jose Castro and Bayard Taylor, who wrote of the lovely Ellen Murphy, afterwards Mrs. Charles Weber of Stockton. When Bayard Taylor arrived at the Murphys he found Miss Ellen reading one of his poems.

Miss Fitzgerald told me that when Bayard Taylor came to her grandfather's house he was walking from San Francisco to Monterey as a journalist to report the Constitutional Convention. According to the family tradition, he arrived about noon, and there found friends from New York who also were passing through the country. After the mid-day meal Martin Murphy, the first, and Bayard Taylor climbed to the top of what has since been renamed Morgan Hill for Morgan Hill who married Miss Daina Murphy. When Taylor came through the valley the hill was called El Toro because in form it looked like bull, sitting. Its head lifted where the trees show.

Bayard Taylor went away and described his visit to the Murphys in his book. It was widely published, and part of it was quoted in a local Canadian paper. At that time the Fitzgeralds had not heard from their grandfather in several years. Although he had written the letters were lost. A priest read Bayard Taylor's description of the visit to the Martin Murphys, and this record caused Mrs. Fitzgerald to write her father. Already she was a widow and immediately Bernard Murphy went to Canada to fetch his sister and her family.

The Fitzgeralds settled on the ranch of Las Animas which was bought of the Castros by Martin Murphy. Of the six Fitzgeralds only two married, John, and Helen who became the wife of

Edward Shilue.

The others, James, Mary Marcella and Anna remained single.

Miss Fitzgerald's recollection of life in her grandfather's time is very pleasant. The valley was filled with yellow violets, while phlox which opened in the afternoon, cream cups, poppies and lupin. Near San Juan Bautista was much mustard. Sometimes ramadas were made of it. In those days there was no such place as Bilroy, only San Isidro, or Old Gilroy, where lived Jack Gilroy, called "Jack" because of his sailor days.

In these times Miss Fitzgerald says the community was supposed to be violent, but she heard little of the turbulence. Only two men, in her recollection, were lynched. Her grandfather did not recount unpleasant stories because he did not terrify children.

Miss Fitzgerald says that native Californians were gentle and generous, not given to crime, as has been commonly stated. Some criminals came into the country as Micheltorena's soldiers and their misdeeds blackened the reputation of others, Miss Fitzgerald says that the worst fault of native Californians was in sheltering people of their own race when fugitives from justice. For example, it was known that Joaquin Murietta camped near Pacheco Pass with his band and rode into Gilroy to gamble with the Spanish Californians, but on these visits Murietta committed no violence.

In those days, according to Miss Fitzgerald, there was very little prosecution of criminals. If a man stole a steer and killed it was seldom arrested because it was assumed that he

was hungry and needed food. Cattle owners little minded losing two or three steers, they expected it. They only resorted to law when part of a herd was taken.

Martin Murphy, the first, was owner of several large ranches, Among his possessions were, Ojo de Agua de la Coche, las Animas and La Stigmata de St. Francis.

On the ranch at San Martin in 1854 he built a chapel and donated land for a cemetery, but in the seventies the chapel was burned. He died in 1865 at the residence of his son-in-law, Thomes Kell, near San Jose, and was buried at Santa Clara. Nothing is left of the old Murphy adobe at Morgan Hill. It was taken to pieces a number of years ago by people who were looking for buried treasure which was supposed to have been hidden by Martin Murphy, the first, in its walls.

294. OLDEST LUMBER MAN PART I

When he died Josiah W. Chase was the oldest lumberman in San Jose. Of all those successful pioneer woodsmen who in the sixties went into the virgin redwood forests to hew out fortune Mr. Chase was the only one that survived, Although he was 80 years of age when I talked with him, his mind was still sharp and shining as a fresh new axe.

Mr. Chase was first cousin once removed to the late Stephen H. Chase, whose sons still continue in the lumber business. Josiah Chase and Stephen Chase came to California together around The Horn in 1859.

The Chases were Maine boys from the forests in Washington County. Their home town was Chase's Mill.

Josiah W. Chase's story was the American business romance. The hero had all the popular drawbacks. Orphan while a child, he was the eldest son and sole support of a widowed mother and several brothers and sisters. Early he was obliged to go to work in the Maine forests, but he was lured to California by her brilliant opportunities. He arrived in San Francisco with \$16 and came down the Peninsula with his cousin, S. H. Chase, who had maternal relatives near Redwood City.

With them S. H. Chase got work, but Josiah, the giant young woodsman, struck out down the Peninsula toward the mills and the forests of which he had heard. He didn't like the valley heat, and so, he bore away toward what was then called McCarthysville, now Saratoga.

But Josiah Chase always thought of the family in Maine looking to him for support, and he took the first work that offered, digging ditch near Mountain View. He wasn't used to ditch digging, but back in Maine people worked from sunrise to sunset, and it was his motto never to allow another to do more work than he did. The Irish boss kept him busy, but expert as was the Irishman he threw no more dirt that day than the young man from Maine. Chase had been at sea for several months, and so, his softened hands blistered easily. He gave up ditch digging and went on toward McCarthysville.

For miles he walked toward Saratoga, and saw a valley of oaks and chaparral with wide clearings inhabited only by squirrels, millions of squirrels. During all the walk the only person he met was a Spaniard on a horse carrying a riata.

The Maine boy had heard terrible stories of Ameri-

cans being dragged to death by Californians, and he wondered about that Spaniard. He stepped out of the wagon road to avoid him. The Spaniard wheeled his horse in front of him. The boy stepped to the other side. The horseman followed him. Chase gave up. He was six feet, but he knew the Spaniard had a riata with which he could lasso him. He kept his eyes on the riata while the horseman chattered in an unknown tongue. He pointed to Chase's watch. The Maine man felt the thrill of being held up. He offered the watch to the Spaniard. The horseman bent over its open face, and after having observed the time of day, courteously thanked him and dashed off, to the astonishment of the man on foot.

In McCarthyville there was a store, a hotel and a few houses. Chase found that the lumber mill had just left the town. There was no work. Quickly he departed, and went on toward the little settlement of Los Gatos. He arrived before dark.

In Los Gatos in 1860 Chase found a saloon, a store or two. Near the town was an old stone flour mill owned by J. Alexander Forbes, the British Vice Consul. Not far from the mill was an adobe house with a melon patch that attracted the traveler's attention.

To this house he went, but he could not make himself understood by the Spanish occupants. Finally he pointed to a redwood board over the door. At last the Spaniard understood and directed him to the newly settled town of Lexington. Finally he reached the mill owned by the Howe Brothers. He saw the great redwood trees, which made the trees of Maine look like telegraph poles. The Howe Mill had a mule saw, operated by one man. As the saw slowly moved

up and down, the man working it sat and read waiting for the task to be finished. The man was one of the Howe brothers.

When Chase told Howe that he came from Chase's Mill, Maine, he was astonished to hear that one of his schoolmates, Alonzo Howe, was in the neighborhood.

Alonzo Howe was the nephew of the Howe brothers. He had left home after the Chase cousins, and coming by the way of Panama had arrived weeks before and already had a house in the timberlands.

Toward Lon Howe's house Chase went. After climbing what seemed hours, the young Maine man passed the night for the first time in the forest. He made up his mind that he would get his axe into those big brown trees.

295. OLDEST LUMBER MAN PART II

The late Josiah W. Chase set out the second day after his arrival at Lixington, near Los Gatos, to look for work. His schoolmate, Alonzo Howe, took a day off to pilot him about.

There were several lumber mills near Lexington. Among them McMillan's Mill, run by Ike Paddock; the Henning Mill, owned by John Henning. Lon Howe told his friend Chase to insist on \$50 a month and board, but he found that \$40 was more readily offered. Finally Mr. Hervey, father of Dr. Hervey of San Jose, who had a considerable tract of timber, engaged Chase to do general ranch work. The Maine man gave great satisfaction, but on Sundays he still looked around. The redwood trees seemed to stand there waiting for his ax.

During precisely two months Chase worked for wages, then he made a proposal to Mr. Hervey to allow him to cut lumber

from the forests for the market. There was a deserted cabin on the place and he proposed to occupy it. Mr. Hervey was no lumber man, he did not value his forests, and he made terms that were very acceptable to the young man with the ax.

Chase then went to a Jewish merchant in Lexington, told him that he needed supplies and tools. He had no money, but he promised to pay. The merchant gave him credit. Hervey hauled his bacon, ham, beans and potatoes to the cabin.

The young man plumbed his first redwood tree, made his estimates and struck, the six-foot body with an ax. This blow was the beginning of a new lumber company.

Work there was in plenty for the woodsman. He worked all day and never knew fatigue. Only darkness sent him to his bed. The tree had fallen, a forest life had gone, but perhaps the woodsman thought mostly that he was contributing something to the material well being of the world.

For a week the young man's ax never ceased sounding through the forest. He saw no human being. Four meals a day he ate to keep up the strength that spent itself lavishly. He breakfasted at 5, dined at 10, again at 3 and supped at 7.

"I did pretty well from the start," said Mr. Chase to me in recalling that beginning.

Mr. Harvey hauled Chase's lumber to San Jose, where he placed it with the Moody Brothers, who sold lumber at that time on a 10 per cent commission. Redwood fetched about the same price as it does today. In later years another commission merchant was "One Arm" McCrea, who had a commission yard on the site of the pre-

sent courthouse.

As Josiah W. Chase worked he saw great tracts of splendid trees session of some of that forest and making them into fresh fragrant lumber. To be sure, at the time there was restricted market, but California was growing. He intended to stay and grow with it. There was gold to be had, not only in the mines and fields, but in the forests for those who had the will and strength to use an ax.

Cousin S. H. Chase wrote from Redwood that he would like to become Josiah's partner in the cabin and work. Josiah invited him to come. S. H. Chase came. That was the beginning of their partnership.

The two cousins worked, planned and saved together. Much of Josiah's money went back to the family in Maine, but the rest went into the pruchase of woodland.

Josiah Chase possessed at his death the first 160 acres bought by him just over the summit on the way to Santa Cruz. The timber has been cut, but nearly seventy years have passed since that time, and some of the second growth is ready for the mill.

During the next eight years the Chase cousins did their best saving. They bought all the land they could, and in 1868 they established the first lumber mill over the summit of the Santa Cruz Mountains. It was on a branch of the Soquel River.

Josiah Chase was the millman, Stephen looked after the business. There was need of all the tireless work of the two cousins and their seemingly unbreakable strength. Lumber fetched only \$25 or \$30 a thousand, and often there were lumber wars in which pric-

es were smashed. All lumber had to be handled twice. First it was taken to the summit, then hauled from there, so there was not much profit.

Josiah chopped wood, ran the mill and did anything necessary. If they were short of men he used his ax, ran the mill, drove ox teams. One could have hardly told whether he was a laborer or boss, but his men were driven by tireless energy. Sometimes he went all day without food and forgot to eat till 7 o'clock. He fell ill with pneumonia and had it four times.

"That is why," he said to me. "I get tired, I can't work without being tired. I used to work all day and all night and never know."

He was 80, but his deep hammering voice showed his impatience that years and work and illness thwarted his energy.

The Chase cousins remained in business together for 15 or 20 years. Their first lumber yard was at the northeast corner of South and St. John Streets. Later Josiah bought out his-cousin. L. H. Chase was in business alone. Finally Stephen and his sons established their present lumber mill, which is owned by the sons. Thirty years ago Josiah W. Chase retired from the lumber business.

296. SAVING THE REDWOODS

The late Josiah W. Chase, who amassed a fortune out of felling and making into lumber the great redwoods of the Santa Cruz Mountains, had a plan for reforesting the stump land of the redwood country. He said that the Government should not have spent a large sum in buying the Big Basin Park. According to Mr. Chase, when one has seen a few of these trees one has seen them all, and

it is useless to spend so much in preserving a vast redwood acreage, when thousands of acres of redwood stumpland now virtually without value, can be bought for a few dollars an acre and transformed with a little care into a great new redwood forest of second growth.

Mr. Chase valued redwood more than any other timber. He said that it is immensely valuable as a "free splitter." It is the only wood that he knew anything about from which "shakes" can be split six feet long, one-third of an inch thick with the end almost as smooth as the beginning.

When Chase first entered the redwood forest one tree served an enormous number of purposes. There were many squirrels in the valley, and ranchers were obliged to fence against squirrels. These fence boards were a half an inch thick, six inches wide and six feet high. Tree tops were used for fence rails, posts and pickets. In addition to common lumber there were shakes for houses and roofs.

Mr. Chase said that the butt end of the redwood trees will never rot because it is heavy with sap, but the top floats like cork and will decay because it has no sap. He knew pickets and posts to last 50 or 60 years, and then, seemed to have had no impression made upon them by time. Maine cedar alone approaches redwood in the quality of endurance. Mr. Chase considered redwood the most valuable timber in the world.

One of the most important uses of redwood is for railroad ties, although unless protected its wood is too soft. First to the tie must be fastened an iron plate. To that should be riveted the rail.

Mr. Chase realized the disaster caused by the disappearance of the redwood forests. Thousands of acres have been cut in California and people must look about for a supply of timber. California, said Mr. Chace, by buying and taking care of the stumps in 60 years can have a vast new forest.

Redwood, of all the trees, is most tenacious of life. The roots grow two or three hundred feet. It is almost impossible to kill a stump. It can be most effectively done by boring a deep hole two or three feet in the stump and filling it with gasoline or coal oil. Unless this is done as many as 20 young trees will creep up from one stump. They crowd and stifle each other.

297. BIRTH OF BREWERY

"Uncle Joe's Steam Beer" was first manufactured in San Jose in 1853 by Joseph Hartmann. Mr. Hartmann founded the old Eagle Brewery, which was in existence about eighty years. One of his children is Mrs. George Scherrer, who lives in Auzerals Avenue.

Mr. Hartmann was born in Hesse-Darmstadt, Germany. Mrs. Scherrer tells me that in his home place her father worked in a brewery called the Eagle, and so he decided to name his own establishment after the brewery where he first learned his trade.

In 1844 Mr. Hartmann came to the United States. For a few years he worked in New York. Then with the gold rush he journeyed to San Francisco. For one year he worked in Lion's Brewery. He came to San Jose and began in a small way in Market Street, opposite the post-office.

Old settlers tell me that in the early days Mr. Hartmann delivered steam beer with a wheelbarrow. Then he used a buggy,

but "Uncle Joe's Steam Beer" was so popular that soon it was the basis for the big business that it later became. Albert Schroder recalls that as a lad in the early fifties he went to the brewery to buy yeast for making bread. He says that it was the only place in town where yeast could be obtained.

When Mr. Hartmann first began the manufacture of beer he made only eight barrels a day. Hops obtained from San Francisco first were used by the brewer. Later barley grown in the Santa Clara Valley was the basis of the beer. In 1856 the Eagle Brewery moved to the corner of Market and San Carlos Streets, where it remained until it was wrecked to make way for progress.

Mrs. Scherrer showed me an interesting photograph on leather of the brewery in the early sixties, which included the Lower Market Plaza. The streets were in rough condition, the trees were not more than a year or two old. On the back of the photograph it is written that South Market at that time was called San Jose Street. Next door to the brewery was the residence of the Dan Murphy became a widow she married Mr. Columbet. Nearer where now stands the postoffice were many adobe houses occupied by the Spanish Californians.

In 1877 Mr. Hartmann died and his business was carried on by the late George Scherrer, who married his daughter, Miss Georgiana. Mr. Scherrer had been Mr. Hartmann's manager. After Hartmann's death Scherrer purchased the brewery and conducted it until his own death.

298. D. B. MOODY'S PIONEER JOURNEY

The late David B. Moody who lived in Devine Street,

when he died was the oldest mill man in San Jose. In the year 1849 as a boy of 14 Mr. Moody came with his parents, Mr. and Mrs. R. G. Moody, prominent pioneers to California. They followed the southern route from Salt Lake and entered the State by way of Tejon Pass and San Barnardino County. Long had there been a trail over the route, but the Moodys were the first to use wagons over the mountains.

Mr. Moody told me that it was a wild road. Indians were everywhere. Occasionally they peered over the bluffs and ridges wondering about the strange pale people, but they were as afraid as deer of white men. Mr. Moody said that the Indians were harmless until the white people attacked them. Some of the people on the trail used to ambush themselves and shoot Indians for the pleasure of seeing them jump. Many protested against such conduct which endangered the lives of all travelers because the Indians might be expected to retaliate.

R. G. Moody came to California for the health of his family. At Redwood City he had a lumber mill. It was built so that it was portable. When he cut the timber he moved the mill. David Moody came to San Jose to school. He told me that the first school attended by him was in the state house in 1850. He went to school with Mrs. Mattie Reed Lewis and Captain Quivey. This school was private but Mr. Moody did not recall the name of the teacher. Later he went to school at Santa Clara and Third Streets where Mr. Freeman Gates taught. The Delmas boys were among his schoolmates. Mr. Moody also attended a Methodist school at the corner of San Fernando and Second Streets. Originally the building had been intended for a hotel to accommodate members of the Legislature. After

After the Capitol left San Jose the town slumped and the hotel was turned into a school.

In 1852 the Moody family gave up the lumber business and moved to San Jose. They bought and occupied a little house now standing in Third Street south of the Presbyterian Church. It was a year or two old and is said to have come around the Horn.

In 1852 R. G. Moody built a flour mill near where now stands the Sperry Flour Company's place of business. In 1855 D. R. Moody, then just 21, became one of the firm. Later R. G. Moody gave the mill to his sons, Volney, Charles and David.

In 1854 the Merritt Brother bored the first artesian well in San Jose. Mr. Moody Sr. believed that he could obtain enough water from several artesian wells to run his mill. He had it ditched to the bank of the Coyote but he found that this was not successful. The water could not be controlled because people could not realize that that water was private property. It was taken out of the mill race for irrigation purposes. The swells gave out, and the Artesian Mill as the Moody mill was called, was a failure.

However, the mill continued in existence. Steam was installed, and it was moved to Third and Santa Clara, adjoining the home property. Later it was sold to the Sperry Flour Company. The Sperry people had no use for it, and in 1893 it ceased to operate. David B. Moody was in the flour business from 1850 till his death. When the mill was sold to the Sperry Flour Company he became one of the officers of the new concern.

Despite large business interests Mr. Moody always had time for pleasure of art. He was devoted to music, and he in

the old time sang in many concerts. A later interest was of amateur photography. During the exposition he took some wonderful photographs. Among the most prized possessions in his office was an old photograph of Yosemite made by the late C. E. Watkins, a San Jose photographer, who first went into the Yosemite in the fifties to photograph the wonder valley. Mr. Watkins was obliged to carry his camera on a mule's back. It was very heavy and large because in those days nothing was known about enlarging photographs. Watkins' photographs made him a world reputation.

299. MASTER OF THRILLS

The late Eugene T. Sawyer was the oldest journalist in San Jose. He was also the author of 200 thrilling detective and mystery stories. Unlike most authors, he never had a manuscript rejected. He wrote many of the Nick Carter stories, although the name was not originated by him. His novels appeared in a New York weekly, the Ten Cent Library and the Street & Smith publications.

Mr. Sawyer was born in Bangor, Maine. In 1864 he came to California. Because of fear of the Alabama the steamer on which Sawyer traveled was convoyed by a gunboat to Aspinwall.

In this city Mr. Sawyer was connected with the Patriot, the Independent, the Herald, the Garden City Times, the Mercury and the Times owned by De Lacy. As a reporter Sawyer always liked to read about crime, and from boyhood he loved the theater. Quite naturally he produced a novel of crime. Unusual crimes attracted him. Most of his stories were built on odd bits of new items found in the papers.

He was the Times city editor in 1883 when he under-

took to write fiction of which he became master. His wife was ill, and in order to have something to read he bought a copy of the New York Weekly, in disgust he threw it down.

"That story has too much talk and too little action. I can write a better one."

He sat down and dashed off his first story, "The Maltese Cross," a fascinating tale of mystery, crime and injured innocence. The publishers accepted it and asked him to write other stories. Some were under his own name, but for many years he used the noms de plume "W. B. Lawson," "An United States Detective," "Fred Taylor," "Dan Munro," "The Author of Buffalo Bill," "The Author of Diamond Dick," and "Captain Clinch." For about eight years he wrote one a week and received for his work \$100, a mere pittance in comparison with what would be paid for such manuscripts today. Each of Mr. Sawyer's long stories contained many interesting short tales and more thrills and mystery than in all the movies in a month. It is great oversight, on their part that the motion picture people did not obtain from Mr. Sawyer the rights to his novels.

Some of Mr. Sawyer's stories were, "The Prince of Frauds," "The Black Hand" and "Oryhee Bill, or the Wolves of Wood River." The "Wolves of Wood River." was suggested by reading that in an Idaho river had been found the body of a naked man. The man's flesh showed bruises. The dispatch said that the naked man had fallen into the river with his clothes on, but he had been caught in a swirling current and tossed about till his body was naked and bruised. From this happening Mr. Sawyer wove a murder mystery story.

Another capital story came from the fact that while a

procession was going down Market Street, San Francisco, a photographer who had photographed the procession, snapped the picture of a murder. Mr. Sawyer's imagination transformed this so that a woman was photographed bending over a man holding a weapon in the air. In reality she was innocent of crime. She was only drawing the knife from the wound and was caught when the picture was taken. The crime had been committed by someone else. Mr. Sawyer's ingenuity was summoned to free the woman with so much evidence against her.

No difficulty was too great for Mr. Sawyer to extricate his people from. He told me that keenly he enjoyed getting his hero into the most impossible situations in order to find a way out. In this he never failed, no matter what the plight of his heroes and heroine. Always he said in the old days he could take a chew of tobacco, walk around the room, and the problem was solved.

His speed for writing was as marvelous as his ingenuity and invention. Once a telegram came from his publishers saying that a serial writer had failed them and that they must have a 60,000 word novel within four days. Mr. Sawyer had nothing on hand, but he wired that he would do the work.

For a day and a half he put off the task, and then he began. For two days and a half he never slept. Like Balzac, he kept awake on the strongest coffee. Mrs. Sawyer and her aunt copied the story, which the author dashed off with a short stub of a pencil. At the end of two days and a half the manuscript was on the way to New York, and the author, exhausted, fell asleep.

In his later years Mr. Sawyer wrote only magazine articles. Some were on Vasquez, whom he knew during his trial. He

He saw Vasquez hanged, and was one of the best authorities on the bandit and his life. Mr. Sawyer lived a tranquil existence, gardening, and nursing an invalid wife. He said that he had given up the bandits, the human wolves, the mysterious crosses and the fascinating life of rescuing the innocent from prison, and saving them from death. The last time I saw him he was making jam.

300. CHINESE IN SAN JOSE

There have been four Chinatowns in San Jose. The first Chinamen came in the early fifties. In 1852 there was only one Chinaman in San Jose, the owner of a wash house.

So indignant were the Americans that Chinamen should take business from the wash women, that the Chinese had a very unhappy time. In front of the Auzerals' Mariposa store a Chinaman was tied by his queue to a horse's tail. The horse started bucking and running. Fortunately for the Chinaman someone dashed out, cut the queue and saved the Oriental's life. He left San Jose.

Gradually Chinamen came back to washing and to work in houses. In the beginning they asked little for their services, and so, many took advantage of their presence.

In every political campaign the employment of Chinamen was an issue. Some of the most enlightened papers in the State urged people to give dead rats to good Caucasian cats rather than to permit the Chinamen to eat them. They implored people to dismiss their Chinese servants without references. They told them that they were ruining the country by allowing Chinamen to do their washing.

So great was the hatred of the Chinese, of their strange language and customs, and so deep was the fear that they

would come in large numbers, that Chinese wash houses were broken into. Chinamen were driven into the street where they were stoned. This was great sport for the high spirited American boys. Chinamen did not fight back. Occasionally one armed himself and broke away from the doctrine of non-resistance by firing at random at assailants.

Even when an effort was made the Methodists and later by the Presbyterians to Christianize the Chinese, great opposition resulted. In the year 1867, the Methodists lost their beautiful new church because of their Chinese Bible class. The first Chinaman learned how to read English mostly from the Methodists, and their teachers tell me that they were very quick to learn.

Mathew Coschina said that in 1854, the Chinese were living in the corner of Park Avenue and the Guadalupe. At that time Park Avenue was called Cut Throat alley, because some there had cut his throat. There were only a few inhabitants in the first Chinatown. Later the Chinese took up quarters in San Fernando and Market Streets near the site of the present post-office. Property owners exacted high rents of Chinamen and were not obliged to make improvements. So it came about that in the heart of the town there were many small unsightly houses used for gambling and vice. Chinatown was very close to St. Joseph's and many worshippers objected to its presence.

Efforts were made to remove Chinatown, but without success until May 4, 1887, when Chinatown caught fire. Reports of the fire department show that the Chinese had long been their own firemen. Scattered about through the town were buckets of water ready to extinguish possible fires. However, this time the Chinese

fire brigade failed to put out the flames.

Many of the most solid citizens were present at the fire fighting it, Judge David Belden, Mayor Breyfogle, O. A. Hale and Homer Prindle aided Chief Bill Brown to prevent the fire spreading, but Chinatown itself had gone, and everyone was glad of it. Within four hours after the fire started Chinatown vanished. The Chinese through the disaster lost nearly \$100,000.

For a time the Chinese camped in San Fernando Street, near Vine, but W. C. Dougherty and Mitchell Phillips erected a new Chinatown on land owned by Phillips near the San Jose Woolen Mills. This new Chinatown greatly pleased the Orientals, and they came in great numbers to San Jose.

Here they remained for two years. "Big Jim," a rich Chinaman, erected a cannery in the Oriental quarters and there gave employment to many Americans as well as Chinese. Big Jim was obliged to leave the State. He returned to China.

After Big Jim went a new Chinatown was built in blocks bounded by Fourth, Seventh, Jackson and Taylor Streets, in the Hensley Tract. Protests were made against this by those who had handsome residences in the vicinity, but to this district Chinatown went and became a permanent institution.

Great change has come to the Americans in their attitude toward the Chinese since the fifties, even since the eighties, when they were freely stoned. Today people generally regard Chinese with friendliness and often with affection. Not long since I was discussing the race with A San Jose merchant. He said that the

Chinese had conquered the Americans' prejudice by their gentleness, faithfulness and honesty. He declared that he would prefer his business patrons to be Chinamen because he said that he would lose less money than if his clientele was of any other race.

301. SAN JOSE IN EARLY FIFTIES

In the fifties the Normal School square was a marsh. Ducks lived there and fish were caught. At Market and Santa Clara Streets was Hoppe's store, it was called "Hoppe's Pond." There was a bridge in 1850 in Santa Clara across the Guadalupe. No streets were graded, and in 1850 there were only a few board sidewalks.

In Market Street, Santa Clara Street and San Pedro Street and Lightston Alley are survivals of the Spanish days. First Street was the first street laid out by Americans. At the corner of Second and San Fernando Streets was the What Cheer House. Back of the hotel in San Fernando Street was the jail. The Mansion House, the first hotel, was owned by Abe Beatty. It stood in First Street near the site of the Eagle Hall building. The earliest drug store was La Botica del Pueblo, now owned by Fisher and Pellerano, in First Street. First it was owned by Domenico da Vini and stood in Market Street, where is now the Genoa Hotel. Da Vini was also a doctor. Later it moved to a site north of the Rea building.

Jackson Lewis was the first jeweler. He married Elizabeth Branham, daughter of Captain Isaac Branham. Dr. Benjamin Corey, with Dr. Spencer, was the first physician. He came in 1847. Dr Isabel came in 1846 to Santa Clara and had some patients here.

The Auzerais brothers, who owned La Mariposa (the butterfly) store, where the choicest foods could be obtained, made

the largest fortune ever accumulated in the early days by a merchant. The Auzerais building is the result of that fortune. A la Mariposa was in Market Street, near the telephone building, south of the City Store. The name came from the Spanish restaurant which had formerly occupied the building. The Auzerais bought the restaurant and started the store. The name of the restaurant remained attached to the store.

Where Spring's store now stands owned by J. D. Hoppe, who was blown up when the Jenny Lind exploded. Hoppe was a merchant of his time. He imported \$80,000 worth of goods in one year. The Hoppes lived upstairs in the building.

The principal merchants of the early days were Frank Lightston, Charles M. Weber and James Stokes. After Hoppe died Lewis Corey took over the business. He kept all kinds of clothing and supplies. Merchants' stock of goods depended greatly upon the arrival of sailing vessels in San Francisco.

Few Americans were engaged in mercantile pursuits. Trading was mostly in the hands of foreigners.

French and Italians. Jean La Sieur had a French bakery, the first bakery in town. He was called Don Juan el Pamadero. The Eldorado bakery was a continuation of the first bakery. On the site of the Bank of San Jose was a butcher shop. Early butchers were David and James Leddy and Mr. Flickinger. The Giovanni Italia Hotel was north of the present St. Charles Hotel.

At the northwest corner of Santa Clara and Market Streets, where now is the Rea building, supplies were sold by Baudino and Orosco. Next to them were Gotusso and Benrenuto, who also sold everything from sugar to nails. Another general supply store

adjoined them kept by B. Solarai. In the early fifties a Frenchman, named Chatel, had a restaurant on the site of the Home Union.

Josiah Belden during the days when mining was at its height kept a small store where the Spanish came to trade and brought their sacks of gold. They had confidence and often they gave him their sacks of gold and never asked to have them returned . Belden became very wealthy.

302. OLD MERCHANTS

The late John James Devine was one of the oldest merchants in San Jose. For 40 years he was in business in the Murphy Block in South Market Street. He came to San Jose in 1858 and opened a general merchandising store. Next door at Market and Eldorado (now Post) was the drygoods and clothing store of L. Lion. Of all the merchants of that time the only one that Mr. Devine recalled as living was Charles Doerr who had the New York Bakery in South First Street where Mead's Bakery stands now. Mr. Doerr still owned the building. John Stock was in the hardware business where John Stock's Sons still are doing business.

Pfister & Waterman had a store on South First Street, near where the Archer Block is now situated. They had a very large business. Mr. Devine said that the largest store in town, and the one that had more trade than all the others put together, was the Mariposa or Butterfly Store. It was so named because it was close to a restaurant called the Mariposa, which was indicated by a sign nearby reading "A la Mariposa." The Mariposa was owned by John and Edward Auzerais, who came from France and went into business in 1852 and soon owned a large two-story brick building. In those days there

were comparatively few Americans in San Jose. All the foreigners were clerks speaking the French, German, Italian and Spanish languages. Here, too, all the best imported supplies could be bought, including the finest wines. Mr. Devine said that the Mariposa did business in two counties. Customers came to them from as far as San Juan.

In the sixties when Mr. Devine went into business merchants had longer hours than they do now. He kept open evenings and very often he was obliged to open his store Sundays when the ranchers came into town to attend church. Supplies were shipped from San Francisco by way of Alviso. From Alviso they were brought by horse. In the winter oxen were often used.

Mr. Devine said that the San Jose of the time of his arrival was very different from San Jose of today. Then the Plaza and Washington Square were the dumping ground for all the garbage in the city. "People never talked about health in those days," said Mr. Devine.

Horse races used to be run from the Plaza our Market Street. St. Joseph's was adobe and pigeons cooed in the rafters. They produced a strange sound, but one enjoyed by worshipers.

303. SAN JOSE'S OLDEST TEACHER

The late Attorney J. C. Black was San Jose's oldest teacher. When I talked with Mr. Black several years before he died he was 84 years of age. In 1857 he taught evening school in Forbess-town, Butte County. In 1858 he came to Santa Clara and taught evening school. At the same time he had an evening school in Mountain View on alternate nights. In 1869 he taught public school in the Moreland district. Here he gave general instruction, but in Santa

Clara and Mountain View, as in most of the other towns where Mr. Black taught it was a special course in penmanship. Young people of pioneer days were eager to perfect themselves in penmanship. Then it was much the vogue to cultivate an ornate style of writing. In consequence, many enrolled themselves in Mr. Black's writing classes.

In the late fifties Mr. Black traveled from school to school on horseback. He taught at Los Gatos and Lexington at the same time. He also gave lessons in penmanship at Berryessa and Evergreen. In 1860 he had an evening class in the schoolhouse of St. James square. while Mr. and Mrs. Freeman Gates were the day teachers. Among the students of those days were Albert Schroder, Judge John H. moore and Mrs. Moore and Daniel Leddy.

In later years Mr. Black became so careless of his handwriting that he said he used to be spoken of facetiously by attorneys as the writing teacher that couldn't write. In his later years Mr. Black unearthed one of his finest examples of ornamental penmanship. So highly had it been prized by Albert Schroder that since 1860 it had been preserved by him in a gold frame 12 by 18 inches. Decorating the upper part are two cooing doves. Below them in Mr. Black's best handwriting is the statement that this is a prize awarded Albert Schroder for especial excellence in penmanship. It is dated 1860.

Mr. Black taught night school because he at that time was studing law during the day. In 1863 he was admitted to the bar in Contra Costa County. In 1864 he was District Attorney of Yuba County. In 1865 he returned to San Jose and was elected District Attorney of Santa Clara County. He was the first tenant in the Knox

block after its completion and he never moved. Mr. Black persued his profession with all the energy of a boy. Until 90 he loved games and eagerly bowled and played billards. Mr. Black was the father of Chief Black.

304. VOLUNTEER FIREMEN'S BALL

Among the popular organizations in the early fifties was the Hook and Ladder Company which was made up of prominent young San Joseans who volunteered to extinguish fire. Judge C. T. Ryland was one of the earliest firemen. Others were Ralph Lowe, John Murphy, Josiah Belden and William McEwen.

In the early fifties the Hook and Ladder Company gave a great ball which made San Jose's social history. It was held in the building on the present site of the First National Bank. The men wore red shirts, and black trousers. Underneath the building was a swale, and as it was a very wet winter the dancers heard the water rushing under the floor. The thrilling sensation of dancing on water added to the interest if not to the tranquility of the evening.

An incident of the ball is recalled by one of the pioneers. William McEwen, he was known as "Bill," was very tall and thin. Bill didn't like to be tall and thin, every fat man was envied by him. One of his friends suggested that Bill stuff his trousers with red bandana handkerchiefs in order to add to his diameter. Bill was delighted with the effect. The men generally were aware that Bill's trousers were not all that they seemed, and so, one of his rivals wishing to obtain the hand of Bill's lovely partner for half a dance, whispered to Bill that the bandana handkerchiefs were showing at his waist-line. Bill hastily surrendered the lady to his rival, departed,

only to discover that baseness can be inspired by even the noble emotion of love.

But jolly as was the volunteer firemen's dance, the most memorable part was the supper at Beatty's Hotel. Mud that winter was three feet deep in the streets, and one of the exciting pioneer problems was the exciting pioneer problems was to transfer the ladies in white dancing slippers from the ball room to Beatty's Hotel. A path of straw was improvised at Santa Clara and First Streets, and on this the fair dancers walked.

Supper was served at midnight, and never was there such a supper in San Jose. It consisted of ham, eggs and biscuits. There was no wine. Instead of intoxicants there was delicious blackberry and raspberry cordial from Auzerais'. At that time lemons were not to be had, but lemon juice could be bought in bottles at Auzerais'. This was transformed into lemonade. For precisely one dollar this delicious supper was served at Beatty's.

No wonder one of the young ladies from Yerba Buena, or San Francisco as the new name was, after such a dance and such a supper, wrote to Mrs. Mattie Reed Lewis, "I can't tell you how dull Yerba Buena is after San Jose."

305. BEGGINING OF THE FIRE DEPARTMENT

On March 29, 1853, the Statehouse burned. With it seemed to go up into smoke most of the glory of the struggling little pueblo of San Jose. Had the Statehouse been spared San Joseans could always have pointed with pride at the building, and said: "That was the first capitol of California." But the Statehouse was gone, and there was nothing to do about it.

However, that disaster aroused San Jose to the need of a fire department. Of course the Spaniards and Mexicans had never thought of a fire department; adobe does not burn. But new modern American San Jose needed a fire department.

On April 19, 1853, fire wards and wardens were created by Alderman Brownshield. The city was divided into four fire wards. The fire warden of No. 1 was M. W. Packard; of No 2, Alvin C. Campbell; of No. 3, A. S. Woodward; of No. 4, Peter Davidson. Two thousand dollars was appropriated for the purpose of a fire engine, with hooks and ladders. This suggested a fire company called the Hook and Ladder Company.

In June, 1954, there was formed the first fire company in San Jose, the Hook and Ladder Company. The record of that first meeting has been lost. Once it was in the possession of William McCarthy, the coffeeman, who for eight years was fire commissioner. A careless journalist lost the volume containing the history of the early years of the Hook and Ladder Company.

Very little is known of the early days of the organization, beyond the fact that an alarm bell was bought by the company and citizens at a cost of \$400.

Charter members of the Hook and Ladder Company are all dead, but the late D. B. Moody told me that at that time there was nothing unusual in being a fireman, because everyone in town went to fires. He said that the Hook and Ladder Company always boasted that they were the first to put a 10-inch hose on fires. Their 10-inch hose was a bucket.

On July 19, 1854, there came into existence a second

fire company, the Empire. It was formed in the Mayor's office.

Ex-Fire Commissioner William McCarthy several years ago rescued from the rain back of Empire House No. 1 the most important early records of the fire department. He treasures them for their historical value, and he keeps them locked in his safe. He permitted me to see them, and from them I have been able to revive a picture of the early days of the fire department.

Mr. McCarthy's book begins with the minutes of the first meeting of Empire No. 1 at 8 p. m. July 19, 1854. It was called together by J. H. Munn. On the motion of Frank Lewis, the chairman pro tem was C. E. Allen. John Gregory made the motion to elect Levi B. Peck as secretary pro tem.

Those who responded to the call and were enrolled as members of the Empire were: Hartley Lanham, S. Waterman (a merchant, a partner of Mr. Pfister), Levi B. Peck, D. J. Porter, John Bunn, Nohn Q. Pearl (a butcher), William A. Munn, F. B. Waring, S. Dial, Joseph Bassler (a millman and one of the first State Senators), E. P. Reed (Wells Fargo's agent), A. Beatty (owner of the Mansion House), M. Stern (father of Fred Stern), R. H. Baird, Joseph O. McKee (brother-in-law of E. J. Wilcox), Robert Langley, H. J. Haskell, Thomas B. Thomkins, Frank Lewis, John Wilson, S. F. Brown, Samuel Orr, S. Hellovert James E. Brown, Frank Spencer (afterwards a judge and father of Mrs. Underwood Hall), B. F. Baird, John H. Gregory, J. H. Munn, C. E. Allen, George W. Yoell A. W. Stone and Francis Stock (uncle of the Stock boys).

A committee of five drew up a plan of organization. E. P. Reed, George Hale, Jim Gregory, B. P. Baird and Joseph Munn

were on this committee. C. E. Allen was first foreman of the company. D. J. Porter was assistant foremen. E. P. Reed, George Hale, D. J. Porter, B. P. Baird and A. S. Beatty were named as a committee to apply to the City Council within 24 hours for a fire engine. Eleven days later the City Council together with several citizens bought in San Francisco a fire engine for \$1800. Later the fire department built an engine house in Lighston Alley, two stories high, 34 feet wide and 66 feet long.

John Wilson was the godfather of the second fire company. He moved that it be called the Empire Fire Company, No. 1. It was decided that the company should consist of not more than 65 nor less than 25 members.

At a later meeting it was agreed that those who signed the original call be considered charter members. The new names added were: C. Martin, W. H. Lanham, Lewis Hibbard. John Beatty, John Balbach (pioneer carriage manufacturer) M. G. Edwards, D. Harrington, M. S. Hellamn, J. M. Sherwood, John Lavasey, John Matt, A. F. Coddington and G. W. Warner.

Other well-known members of the company were: Peter Davidson, Peter Quivey, Levy Goodrich, Juan Bernal, Donald Mackenzie, John Murphy, Judge C. T. Ryland, George Donner, F. D. Leddy and Stephen de Lacey, the old-time journalist, Wilbur Wilcox, Albert Schroder and Francis Marian Quivey.

306. ORGANIZING HOOK AND LADDER COMPANY

From various sources I have been able to learn some of the steps that led up to the formation of the Hook and Ladder Company, which was organized January 3, 1854. It was the first fire

company in San Jose. Fire limits were established as early as July 11, 1850.

Records show that at this time an effort was made to form a fire company. On November 4, 1850, an application was made to the Common Council by citizens for a fire company. Alderman Garrison was instructed to inform the volunteers that an engine would be given him as soon as it could be obtained. This first company did not get far, although it called itself the Eureka Fire Company No. 1. A committee was appointed to report on the constitution of the company, and the feasibility of erecting an engine-house and furnishing an apparatus.

Always in the early fifties there was agitation in the Common Council for a fire department. When any unusual expenditure was considered, such as paying the City Clerk \$16 a day and the City Attorney \$250 a month, there was a great protest. A hundred indignant citizens declared that the law should be repealed. It was too much for a few hours work. Many citizens would do it for nothing. Funds of the town were needed for fire engines and hose to protect the city against burning.

The late George B. McKee said that he recalled hearing it said that "Free" (Freeman) McKinney was one of those most interested in agitating for the fire department. He was an able enthusiastic lawyer of the firm of Yates and McKinney.

Records reveal that on January 13, 1854, a petition was recorded by the Town Council from George Hale, S. Waterman and J. Braun praying that an apparatus be bought for the San Jose Hook and Ladder Company. Aldermen Wilson and Emerson were directed to

confirm with the form and secure the lease of a lot whereon to erect a suitable building.

On February 3 the report was made that Frank Lightstone had tendered a piece of land for ten years to the Mayor and Common Council, provided that a suitable firehouse be erected within 12 months. The ground rent was 25 cents a year. Meanwhile the company had quarters in a room adjoining the Mayor's office.

Soon afterwards the Empire Company was formed and the following fire wardens were appointed: Ward 1, J. H. Scull; ward 2, Dr. J. C. Spencer; ward 3, F. G. Appleton; ward 4, Peter Davidson.

A committee of aldermen were sent to San Francisco to see if a suitable fire engine could be obtained. They found that an engine would cost \$1800 and hose would be \$1.50 a foot. The following sites were suggested. One was in the square of Market and Santa Clara Streets, one at Santa Clara and First, one in front of the Mariposa store and another in front of the Jones store.

Enthusiastic firemen went among the merchants and raised \$135 and the remaining \$1200 was raised on city warrants.

The Hook and Ladder Company prospered. Soon it bought a fire bell weighing 419 pounds which cost about \$1.00 a pound.

Among the charter members of the Hook and Ladder Company were George McCracken, introducing of goats; Freeman McKinney, Leonard Dedfield, William McCune, an early editor; John Murphy. Alden Moody, Frank McKee. McKee had been a fireman in his home place, Watertown, New York. McKee, Moody and Redfield had come across the plains together. John Ogshaw S. Waterman (an early merchant), George Hale and J. Braun were also among the original members.

308. LIFE OF EARLY FIREMEN

One of the interesting characters of the Fire Department in the early fifties was Cris Gourley, who had a fire engine of his own. He used to parade with the Empires. The firemen gave him permission to keep his engine in the firehouse. Later it was presented to the city.

The earliest engine owned by San Jose was used in New York in 1830, where it was known as old "41," Its headquarters were at the corner of Delaney and Livingston Streets. Levi Goodrich used to run with it, and so did Abe Beatty. In 1850 it was sent to San Francisco, where it was owned by the Empire Company, of which Senator Broderick was foreman. There it remained until 1854 when it was bought by San Jose and called Empire No. 1. At one time this hand engine was owned by the almshouse.

Sometimes firemen died, left the city or failed to meet their dues, and then, their uniforms reverted to the fire company. There were always several unused uniforms on hand, and when on parade day firemen wished to make a fine effect they brought out the uniforms and invited prominent, delighted citizens to wear them and parade.

For example, when the Santa Clara Tigers, April 15, 1855, invited the Empires to attend a firemen's benefit concert at Santa Clara College not only were all the uniforms used but \$25 was spent on conveyances to go to Santa Clara.

Funerals were also great occasions. George Bego died, and Bill Hall, who had a stage line, loaned all his coaches.

In 1855 when Dan Porter married the Empires passed

resolutions that should be recorded: "Whereas, the chair of first assistant chairman is vacant tonight, and his absence is supposed to be owing to more agreeable arrangements; therefore,

"Resolved that we congratulate our friend and associate, D. J. Porter, upon the recent happy change in his domestic arrangements, and hope that no fires of discord--not even a false alarm--may disturb the even tenor of his matrimonial life, but if any should occur may the engine of peace be manned by angels of love, showering gentle drops of reconciliation until the embers of strife are entirely and forever extinguished."

When A. W. Stone went away to the Civil War in 1863 as a lieutenant of cavalry, the following message was sent to him:

"San Jose, 1863

"Lieutenant A. W. Stone, Cavalry.

"Dear Sir: The members of the Empire Fire Company No. 1, of San Jose, hearing of your intended departure for the Atlantic States to take the part of a soldier in the cause of the Union, appreciating your long and efficient service as an active member of our organization, also, desiring to express their entire sympathy with the cause to which you have devoted yourself, have commissioned the undersigned to present you in their name, the accompanying sword, belt and sash as a regard. In discharging this most agreeable duty permit us in behalf of the company to say that in common with your fellow citizens who remain behind, we shall watch with peculiar interest the vicissitudes with which you and your fellow soldiers may be called upon to pass while doing your part to uphold the cause of the Union. At the same time we shall do so with no misgivings but that

you will by gallant and heroic deeds prove yourself worthy of a soldier in so sacred a cause. In behalf of Empire Fire Company No. 1, we are very truly yours,

L. P. Peck,
Dr. J. Porter,
C. P. Crittenden,"

Stone's reply was as follows:

"February 28, 1863.

"Gentlemen: I accept the beautiful sword, etc., presented to me this day in behalf of Empire Fire Company No. 1. I have no words at command properly to express to you my thanks for this most unexpected testimony of the friendship and regard of my late esteemed associates. Besides, I hope rather by deeds than words to show myself worthy of the gift. Tell my associates that they shall have no cause to regret the confidence they have expressed in me, for, so help me God, while I wield the sword it shall never be dishonored. Your obliged friend and servant,

A. W. Stone,

California Battalion Cavalry."

In 1854 when Peter Donohue came to bring a new engine and show how it would work there was great commotion. The fire bell rang at 7:30 in the morning to summon all firemen in citizens' dress to receive the new engine, and the San Franciscan. The committee on reception was Donald Mackenzie, J. C. Smith and James Hagan, who introduced gas in San Jose.

When the great Lincoln died the Empires did him honor at the memorial services. Mrs. Bassier decorated the company banner with crepe.

307. LIFE OF FIREMEN IN FIFTIES

In 1850 the fire limits of the city were first defined. They began at the intersection of Second and St. James Street and followed Second to the junction with San Carlos Street. Then they went along San Carlos to the Acequia and from the Acequia to a point that would intersect the prolongation of St. James Street. From there the limits extended to St. James and Second.

The law forbade the existence of hay stacks, unless enclosed or suitably guarded, under penalty of not less than \$25, nor more than \$200. A like fine was placed on buildings of canvas, willow, cotton cloth, tules, mustard, reeds and other grassy substances.

In reading the rules of the voluntary Empire Fire Company as shown in books of minutes of meetings in the fifties and sixties, now in possession of ex-Fire Commissioner William McCarthy, I learned that the firemen of those days were in no sense jolly good fellows. Smoking was forbidden in the meeting room on penalty of fine. On one occasion Jackson Lewis of the Hook and Ladder Company moved that Elliot Reed be fined \$1 for smoking. The motion was lost. On another occasion James Hagan, head of the first gas company in San Jose was actually fined \$1 for smoking. Champagne bills were protested by the volunteer firemen, and a motion to pay the whisky bills of a delegate to San Francisco was voted down.

Members of the Empire Company were fined for introducing religious or political subjects. Expulsion was the penalty for repeating remarks in the meetings. Dues were 50 cents a month. Non-attendance at a fire, unless excused by sickness, death, or absence from the city entailed a fine of \$2.50.

Each member bought his own uniform. This cost \$21. The first uniform was adopted October 18, 1854. The hat was the same as the New York fire hat and was lettered "Empire No. 1." Black patent leather belts were worn lettered "Empire No. 1." Shirts were blue with scarlet facings. Black cloth "pants" the record shows to have been part of the costume and the final touch of beauty was a black cravat.

What trouble there was to get those first uniforms! It seems that they would never be finished and firemen felt that they were not real firemen until they had paraded at least one in their new uniforms.

In those days a parade of firemen took place during the holidays, on Washington's birthday and the Fourth of July. The men were eager to appear in public on the first of the year. It was suggested that they invite the Hook and Ladder Company to parade with them, but the motion was withdrawn. The Empire would share glory with no one. More generous second thought prevailed; there was glory enough for all. Empires paraded with Hook and Ladders.

The Empires were busy drilling for the parade at Abe Beatty's Mansion House. The shirts for the uniforms arrived, but a shirt doesn't complete a fireman's uniform. He must have a hat. The hats were ordered of Frank and John Stock, but they were slow in coming. It was decided to send a man to San Francisco to borrow hats of Empire Company No. 1 of San Francisco.

S. B. Cronter was the man selected to go to San Francisco, and the record shows that his expenses of \$7.50 were paid. The San Francisco Fire Company took pity on their San Jose brethern and

lent hats for the great parade.

This first parade was a glorious, proud day. Mr. and Mrs. J. W. Johnson were so helpful in arranging the decorations that Mrs. Johnson was asked to appear in the parade. She declined the invitation. Messrs. Appleton, Waterman and Thompkins decorated the engine.

The firemen marched to Beatty's hotel, and then, to the Methodist Church South, which stood at the corner of San Fernando and Second Streets. It was called the "brick church." Here was prayer by the Rev. Eli Cowen, and the ladies of the town, represented by Miss Mary Crane, presented the firemen with a banner. Then they marched back to the engine house, where they served as a collation." From there they went to the Beatty's Hotel and adjourned.

Evidently there was considerable friction between the first two companies in the early days. It was difficult to pass a motion in the Empire Company to co-operate with the Hook and Ladders. They would not even play baseball in their uniforms with the Hook and Ladders. A motion to attend Beatty's Fourth of July ball together was "unanimously lost," the record says.

This friction was intensified by a visit by the San Francisco Blues in 1855. The Empires tendered their hall to the Blues as an armory. During this visit the Hook and Ladders' flag was stolen from the Empires' hall and placed over a saloon. This occasioned a resolution of regret passed by the Empires, declaring that they knew nothing about the act, that they were sorry the Hook and Ladders' flag had been placed over a rum shop, etc.

However, in a year or two the Empires began playing

with the Hook and Ladders. They were together on all great occasions. In 1855 the Empires, during a parade, appeared in new leggings of glazed cloth that attracted much attention. In the same year they cooperated with the Hook and Ladders in furnishing a meeting hall attached to the engine and truckhouse.

Though it was a violation of Empire rules to talk politics, at times the Empires did some effective politics. When the Mayor and Councilmen voted against the ordinance to appropriate funds to furnish the firemen's hall, the Empires caused the portraits of the officials to be draped with black crepe, placed on a placard and hung in the engine room.

310. FRANKLIN FIRE VOLUNTEERS

Charles Wampach, the capitalist, formed the Franklin Volunteer Fire Company. He still has the first book of the company. At the time Wampach had a large merchandise store, and he says that he thought it would be a good thing for business to organize a fire company in the southern end of the town. Besides it would lower insurance rates. The company was made up of prominent business men.

The company was formed in 1871, The members of the first organization met in Enright's office. George W. Zimmer was foreman. Joseph Enright, the manufacturer of steam engines, was first assistant; John Christian, who manufactured wagons, was second assistant; J. T. Thomas was secretary, and Charles Wampach was treasurer. H. A. Montgomery, C. Brown and George C. Russell were delegates to the Council of the Fire Department. Robert Scott, the saddle maker; William Brown and J. W. Mitch were the standing committee of the company. Standing committees met once a month to adjust grievances and

arrange entertainments.

The old Broderick engine brought by James Gourley to San Francisco and later to San Jose, at that time had been cast aside by the older and better established companies. It was used by the Empires and Washingtons. After that it had served to clean out cellars and finally had been cast into a lumber pile. The Franklins took it, painted it and revived its former glory. When they housed it at Third and Reed Streets the occasion caused a great celebration. The "Hooks" came from Santa Clara. The Q. C. Band with Bronson, as leader, furnished the music for the grand ball, at the opera house. There was a delicious supper served by Elitch of the Buckeye Restaurant.

Wampach told me of the difficulty of fire fighting in the old days. Rows of men were called into service, and they passed buckets by hand from one to another. The Acequia, an irrigation ditch about six feet wide and four feet deep, was the best water supply in those times. He says that the Normal School burned from lack of water, as did St. Joseph's Church. Chinatown, which stood on the site of the present postoffice, was allowed by the fire department to burn because of its unsightliness. For long people had wished to get rid of the ugly smelly buildings in the heart of town.

Among the prominent men in the Franklin Company were James Kell, William Hennessey, Jacob Walt and Biebrach. When the paid fire department was established the Franklin Company became Engine No. 3.

309. FATHER OF FIRE DEPARTMENT

James Gourley, who died about 32 years ago, is called

by the old firemen "the father of the fire department." I have seen his picture in a group photograph of the Torrents taken in 1876. His face gleamed with good nature and youth, but his hair was quite white.

Gourley was an Irishman. He came to New York long before gold was discovered in California. In New York he was a fireman. With the forty-niners he came to San Francisco, and from there to San Jose. Always was he a fireman. He would talk to no one but firemen. When speaking of fires his face would light up and he became a boy. He would talk all night about fires.

He gave great impetus to the department in San Jose. Gourley was its bone and sinew. He almost dreamed fires. He went East and brought back an engine of his own which he afterwards gave to the city. This was the old Knickerbocker, and it was the first engine in San Jose.

Gourley was a painter by trade, but at heart he was always a fireman. He elected himself chief of the department and was its boss. Never a fire took place but he was on hand. When he thought that the firemen did not work hard enough he used to take a stick and prod their backs, telling them to hurry up. Sometimes this displeased the men, who were always speeded up to the last gasp.

Something in the management of the Empires displeased Gourley, and in 1856 he withdrew and organized the Torrents. With them he remained until the last.

Finally he gave up his trade as painter. He used to make a living by doing janitor work for the fire department. If there was a ball, entertainment or benefit given by the firemen he sold tickets for it on commission.

He was a captain of the volunteers. When he went into the paid department in 1876 he became assistant chief. In Gourley's old age he became hydrant inspector. He had no family when he died in 1892 of gangrene. James Calahan, the banker took charge of Gourley's body. He had saved enough money to buy himself a lot and a head-stone at Oak Hill.

Recently I visited Gourley's grave. He lies in the plot owned by the volunteer firemen. With him are five firemen whose graves are unmarked. Headstones indicated that D. A. Chamberlin, Richard Knowles, Noah Haynes, Charles Kruger are the other firemen in the plot.

Gourley was born April 27, 1816. He died October 12, 1892. When Gourley was buried his picture covered with glass was set in the headstone. A few years ago one of Gourley's brother firemen told me the glass disappeared, Now the photograph is gone. Only a niche in the marble shows where his picture was so fondly placed.

311. ALBERT VOLUNTEERS

Some of the volunteer companies never sent delegates to the council that ruled the fire department, Among these were the Alerts. They began about 1874 as a social club. It was organized by young business men to fight the frequent fires of the time. Into this company came the Washington Hose Company with its engine. The Washington or "Washie" Company was organized in 1870.

The Alerts were bank clerks and young gentleman not engaged in hard toil. By the other more strenuous firemen they were called the "aristocrats," "dudes," "bon ton," "kid glove firemen" or "ladies." Their engine house for many years was in the forepart

of Barry's livery stable back of where now is Hart's store. The meeting room was upstairs. This was donated by James T. Murphy, who was once vice president of the social club and an active member of the company.

Judge Frank Pfister, brother of County Clerk Pfister, was president of the club. James T. Murphy was vice president. A. J. mullen, secretary and D. T. Bryant treasurer.

Among the members were Albert Schroder, Isaac Loeb of the City of San Jose Dry Goods Store, and his brother, David Loeb, who was associated with him in business; L. F. Oakley, Thomas F. Morrison of the Commercial and Savings Bank, brother of the Misses Morrison; Charles B. Hensley, son of Major Hensley, who in the early days had a show residence in San Jose; Thomas Barry, who was in the livery business; his brother, John F. Barry; David T. Bryant, son of Dr. Bryant; Harry Bodley, brother of Thomas Bodley; Gus Lion, Fred Stern, Andrew Mackenzie, K. D. Anderson, William L. Gill, Frank Lacoste, George Ashley, Thomas Hobson, Billy Hobson, F. M. Buckholder, Thomas Columbet and Charles W. Williams, until his death proprietor of The News.

The first foreman of the Alerts was A. H. Breckenfeld, who worked in the Commercial and Savings Bank. The first assistant was Rudolph Hoelbe. E. Moreiga was second assistant foreman.

Among the Alerts who still take an active share in life are Gus Mullen and Fred Stern.

The great distinction of the Alerts was that they arrived early at fires. Their brother firemen used to accuse them of being afraid of getting wet after they reached the fires. In reality, no matter where they were dancing they rushed in evening clothes to the fire. Often their fire hats were silk hats, and they ruined many

an evening suit and frock coat. In those days the streets were not paved and often firemen were obliged to go in mud up to their ankles. One of the firemen explained to me that the reason why they got to the fires before the other companies was that they stayed up so late nights at parties that one of the organization was certain to hear the fire alarm. If they couldn't get to the fire any other way they hired an expressman or a "hack" to draw the engine.

At first they started in a very modest way. The old Washington Hose Company engine was given them but it had well earned the speedy retirement that it received at the hands of the Alerts, and it was put aside for a very good steamer purchased by them of the city of Stockton after they had raised the money for its purchase. When the new steamer arrived the Alerts gave a large reception in a hall over Barry's livery stable.

When the paid department came in 1876 for a year or more the Alerts went to the fires as of old, but the city bought them no horses for their cart and finally they became merely a social club.

312. CHANGING THE FIRE DEPARTMENT

in the beginning San Jose was handicapped by having no fire department except winter rains. In 1854 came the volunteers. They did splendidly and picturesquely for 22 years. But October 23, 1876, Mayor Barney Murphy and the town council decided that it would be best to have a paid fire department.

The news was received with approval by the townspeople who saw therein greater security for property. The volunteers themselves were not sorry to be relieved of the irksomeness of having their nights as well as their days of business broken by the summons of the

fire alarm. However, when the last moments came in the life of the volunteer department there was much sadness, and the farewell festivities had an undercurrent of gloom.

One final, grand "blow out" was arranged at the firemen's headquarters in the old City Hall. For the last time the firemen put on their uniforms. Never was their apparatus so bright as the night of the final parade and party. The Santa Clara fire department came to share the gaiety. The Santa Clara band and Bronson and Daggett's band were in the procession which flamed its way through the streets with torches. They stopped in front of the Auzerais House, November 1, 1876, and ladies and the curious people came in crowds to witness the last ceremonies. There was Mayor Murphy and the town council, Judge Payne on behalf of the retiring firemen told why they were retiring. To the Mayor he surrendered their property. Mayor Murphy in a humorous speech received it.

Then they all went to the Central Hall to attend the last banquet of the volunteers. Ladies were not invited. Here were only the brother firemen and their guests. Louis Lauschenback furnished the supper for 300. Chief of Police Tisdale was the major domo of the feast. Chief Gerdes was given a gold and diamond badge. Mayor Murphy presented it for the firemen and Mr. Gerdes responded.

Daniel A. Laddy, President of the board of delegates, received a handsome gift from the department, as did Mr. Schue. Ben Bernal, foreman of the Hook and Ladder Company, received a splendid diamond badge. Joseph A. Lotz, secretary of the fire department, received a substantial gift. Franklin No. III. gave a gold steamer to Chief Gerdes. Speeches were made by the Mayor, Councilman Hale, Joseph

Inghams and Tom Cook. That night the volunteer fire men all went home privates.

The first paid chief engineer of the fire department was F. C. Gerdes. His assistant was W. D. Brown. The Empire Engine Company became known as Engine Two. Thomas Howard was foreman and J. P. White, engineer. The driver was John Purcell. George Dash was driver of the hose cart, steward and stoker. Extra men were M. Zimmer, E. Bagley, J. S. Huey, J. H. Kiep and E. Nortega.

The Torrent Engine became Engine Number One. The foreman was William Petry. The engineer was R. Knowles. James Richardson was the driver. The driver of the hose cart, steward and stoker was J. Phillips. Extra men were Thomas Brookbanks. John Moore, Hugh Young, J. B. Stocklin and James Eddy.

Today there is only one truck in the fire department, Truck No. 1. Its ancestor is the old Hook and Ladder Company the first foreman of Truck No. 1 was Benjamin Bernal. E. McGrory was the driver, John Toomey served as steward and tillerman. Extra men were James Brady, John Doherty, P. Limmerick, C. Bailor, P. Maloney and G. Sampson.

The other appointments made were James Smith, steward of the Eureka Engine, and T. L. Cleal steward of the Franklin Engine House.

Salaries were not large. The chief engineer received only \$30 a month and his assistant \$20. Two engineers and \$60. Three foremen were paid \$20. each. Ten extra men for the steamer were employed for \$12. Two drivers of three horses, received \$125. The driver of the hook and ladder truck was paid \$125. One tillerman earned \$40. Extra men for the hook and ladder truck received \$12. The hydrant in-

spector had \$30. Two hose cart drivers were paid \$40.

Among the chiefs in the paid department have been Cris Gerdes, James Brady, Bill Brown, Rudolph Hoelbe, Frank Dwyer, Henry Ford, Richard Brown, George Hines, George Tonkins, Edward Haley. Of these Frank Dwyer, George Tonkin and Edward Haley alone are living. Dwyer is engineer for the Warren Packing Company. Tonkin is interested in a machine shop.

313. FAMOUS OLD FIRES

Thomas A. Carroll, who used to be a horseshoer on San Pedro Street, was one of the early volunteer firemen. In 1863 he came from New York to San Jose to shoe horses for the Overland Stage Company. At that time San Jose was the night stop for the stages and when they needed it horses were shod.

Empire Company, and he became their foreman in 1870. At that time it had its engine house in Lighston Street. Mr. Carroll remained with the Empires as long as they were volunteers, and then retired. His memory easily goes back to the early days of fire fighting.

The Alerts and the Empires had their engine house together in Lightston Street. The Torrents were in the City Hall. Market Street. Once a month the firemen held meetings. Otherwise they came together only at the hurried sound of the fire bells.

Mr. Carroll says that the Empire Company had the best fire apparatus. The first engine came from New York by way of San Francisco. In both cities it was called the Knickerbocker. When San Francisco outgrew her engine she sold it to San Jose. This engine was the pride of the town. The firemen almost prayed for a fire in order to show it off. It was manned with 150 men in four rows. Thirty-five or forty

stood on the ground on each side. Above them on a platform was another row, seemingly standing on the heads of the others. These all pumped together.

Firemen never had time to put on their uniforms. They only rushed and grabbed their fire hats, which had a cape in the rear to protect the head from flames. On parade days the firemen wore red and black trousers.

Mr. Carroll says that Adam Holloway, the brewer, was the most popular fire chief ever known in San Jose. He owned a brewery which stood at the corner of Fountain Alley and First Street.

On New Year's night. 1865, occurred one of the largest fires during Mr. Carroll's experience. It burned from the Auzerais House, just in building, down Santa Clara Street nearly to First and St. John and left one house at the corner of St. John and First.

A storm raged the night of the big fire. pumping dry the cistern. Then the chief ordered the men to stop and wait till the cistern filled with water. Meanwhile he invited the firemen and the entire crowd--hundreds were there--to go into the brewery and have a drink. If only they had had as much water as beer they could have put out the fire. It took some time for the cistern to be filled, and it is not strange that a fire with Holloway's Brewery to serve refreshments was a popular social event.

Mr. Carroll tells me that the Empires were the first to get a steam engine early in the seventies. At that time horses were used. One great feat of the Empires was to haul the engine more than a mile to the race track when the entrance burned. This was without the city limits and the firemen never knew where they would strike a well.

They did not put out the fire but they saved the house on the opposite side of the street.

314. BIG FIRES OF OLD

Hugh Young, who lives on St. James Street near Fifth, is one of the few living veterans of the Volunteer Torrent. Mr. Young was born in Maryland. He came to San Jose in 1868, and in that same year joined the Torrents.

Mr. Young was a painter. He and his partner, Mr. Granger, had several carriage paint shops. One was in First Street opposite the Victory Theater in an old building now standing that came around the Horn. Another shop was at William and First. Mr. Young's place of business was called the City Carriage Shop.

At the time the Torrents into the paid department, Mr. Young was assistant foreman of the company. He told me something of his life as a fireman and his experience in the big fires.

Hanging on the walls of Mr. Young's living room is the last photograph ever taken of the Torrents as a volunteer organization. It is a colored photograph made by a photographer named Saunders. These men were a fine strong looking group, and very gay in their red double-breasted jackets which they called shirts. In reality, they were short coats which were worn over white shirts with stiff collars. Their belts were of black patent leather trimmed with white. The picture was taken in St. Augustine Street near the residence of Captain Thomas Fallon. The firemen posed on a Sunday morning. They went to this spot because there was a better light than in front of the engine house. In the photograph with the men was the Torrent hand engine and hosecart.

Mr. Young also has another memento of the Torrents,

one of the fireman's hats.

When the volunteers were transformed into paid firemen. Mr. Young said it was a sad occasion, they all realized it was for the best. The volunteer system was hard on the men. Each had in his house a small bell to call him before the big gong sounded, but he never really knew where the fire was. To find this out he had to trust to his own resources.

When the Torrents met for the last time, Mr. Young as assistant foreman arranged an auction of their furniture and belongings. Each man bought a keepsake, Most of the pictures are of old fires and firemen. Others bought a piece of furniture. The Torrents continued to exist in the paid department as No. 1 engine, but when firemen were paid fire fighting for adventure died.

One of the largest fires in Mr. Young's experience was when General Naglee's distillery burned in 1869. It was the work of an incendiary. Mr. Young said that in these days the company did not have hose enough to reach the cistern, and so, at the Neglee fire the suction pipe was put in the general's fish pond and from there water was pumped. However, the work of the firemen was in vain. Great vats 20x20 holding thousands of gallons of precious Naglee brandy were burned

In the midst of the fire James Gourley, who was called the "father of the fire department," said to General Naglee:

"General, the boys have been working pretty hard. Don't you think you had better give them a little whisky?"

"Whisky!" exploded the General, "aren't they up to their knees in it?"

In later times the fire department was summoned to put

out the blaze in the Naglee wheatfield. This time the firemen were successful. As a reward for their work the General sent a large quantity of priceless Naglee brandy to be divided among the firemen. Each man had a quart, and when one realizes that Naglee brandy sold as high as 25 cents a drink the present was much appreciated. Naglee brandy has since disappeared from the market, but it is described by pioneers as tasting like velvet and Heaven.

When Mrs. Samuel J. Hensley's big residence burned in 1870, there was a great effort made by the firemen to save it, but it was in vain. Mrs. Hensley escaped with very little clothing on, and the drunken gardner who had caused the fire burned to death in the flames.

The James F. Reed's residence burned near the present site of the Pratt Home. Only a few pieces of furniture were saved. It was impossible to get any great sully of water, for the hose was not long enough to reach. Water was carried in buckets.

Mr. Young says that the best friends of the old fire department were C. T. Ryland and Mrs. Knox-Goodrich. Whenever the firemen had a ball Mrs. Goodrich always bought them tickets and contributed generously to whatever they undertook.

315. TORRENT VOLUNTEERS

One of the most famous fire organizations of the volunteer days, was the Torrent Engine Company which was organized May 9, 1857. On that same day a fire department was formed. It was made up of two delegates from each of the three companies. John B. Hewson was elected chief of the department. He held the office five years.

One year after the Torrents were organized Ralph Lowe

became a member of the company. He served five years. In 1863 he became exempt. His exempt certificate was signed by the County Clerk James A. Clayton.

The Torrent Company came into existence through James Gourley, the father of the fire department. He left the Empires and formed the Torrents. In this company were many members of German ancestry. There were Gustave Brohaska, John Schubert, the carpenter; Phillipp and Charles Doerr, George Scherrer, J. B. Theil, the bricklayer; Frank Stock, uncle of Frank and John Stock; C. E. Hertell, father of Detective Hertell; Joseph Waterman, John Stock, Jacob Heft, Henry Seebach and A. Greeninger, the supervisor.

J. Bassier, Mr. Archambault, who kept the City Store; Sylvester Easterday, the undertaker, and T. Brookbanks, the contractor, were other members. Then there was Joseph Ingham, the wagon maker, who built hose carts for the fire company; M. Kenney (the bricklayer) who built the Auzerals House; C. J. Manner, Anton Pillot and William Petry, the blacksmith.

Among the few members of the Torrent Company now living are Hugh Young. Frank Stock and Charles Doerr.

Frank Stock became interested in the fire company when he was a boy of 15. His father, John Stock, was sometimes too busy in the store to answer when the fire alarm sounded. The boy used to run to the fire house and answer "Here." And so, he grew up to love and be interested in the fire department. Several years ago he actively retired from business. Now he lives with his daughter, Mrs Pomeroy, on The Alameda.

He still keeps the last picture of the Torrents, which was taken just before they passed into the paid department, and became Engine Company No. 1. Mr. Stock recalls the names of some of the men in the picture. There was the smiling countenance of James Gourley, the father of the fire department. Then there was Knowles, the first engineer, and Richardson, the driver. Most of them are dead, but among those in the picture who still survive are Chief Bill Brown, then assistant chief; Charles Doerr and Hugh Young. Tom Brookbanks was the second assistant chief and Chris Gerdes was the chief engineer, Easterday was foreman. Adolph Greeninger, M. Stern, William Petry (of Balbach and Petry), Conrad Renzer, William Parsons (the teamster), John Moore, Phillipp Doerr, Mr. Waterman, A. Pillot, Henry Seebach, Mr. Langenfelder, John Phillips, the driver, and Mr. Zimmerman, the shoe merchant, were in the picture. Then there was John Coffee, who kept a restaurant that furnished especially good coffee. At this place Frank Stock after every meeting used to spend his salary as secretary for the company.

Frank Stock tells me that one of the causes of changing the volunteer into a paid department was rivalry between the companies, each wanted to be at the fire first. The Alerts, the "dude" volunteer company, had a little light two-wheel engine cart. It was very easy for them with a horse to reach fires on time and a little ahead of the others. The Torrents had no horse, and they were obliged to drag their own clumsy four-wheeled engine with a great leather hose. Sometimes the Torrents arrived first because James Gourley, the father of the department, lived in the building and often started alone with the engine. Three Torrents were such good runners that they arrived before the others, but they were so out of breath that they could not work.

Just before the volunteer department was converted into the paid, Frank Stock drew up a resolution demanding of Mayor Barney Murphy and the Council sitting with him in the old City Hall, a horse for the Torrant cart. Mr. Stock carried this resolution in and presented it to the Mayor.

"Don't get excited," answered Murphy, "tell the boys they will either have a horse or we'll have a paid department."

The Torrents never got their horse, San Jose needed a paid department. Mr. Stock was at the auction of the Torrents' belongings. As secretary of the company, he desired the pen, inkstand and desk belongings that he had used. He began the bid on them.

"Oh, give them to him," said the members. That is how they came into his possession.

The Torrent Volunteers came into the paid department as No. 1 Engine.

316. LIFE OF OUR OLD FIREMEN

Records of the Empire Engine No. 1 show that the old firemen lived for what they called a "good firs." In 1882 a Herald reporter went with the Empires and recorded that in 13 seconds the horses were hitched and the drivers were in their seats. In 75 seconds the engine was at the eastern corner of Market and San Fernando Streets with two lines of hose laid out, each line 400 feet long. In six minutes from the time of lighting the fire a stream was being thrown 150 feet. Until that time this was the best record made.

John F. Cunan of the fire department, who was the secretary of the company at that time, reflected the views of the firemen. He lamented in October 1882, "No fires. It is a saving of fuel and the

wear and tear on the apparatus, but it knocks men all out of time. It will take two or three fires to get them in good working order again.."

At last wrote Cunan the next month, "After 40 days' waiting we got a fire and a big one, too. We got away with it in good shape. The property was owned by Judge Archer and occupied by William Carroll. It was what I call a good job. It speaks volumes for the department."

June 16, 1883, was marked by the burning of the old Orange Mill which stood on the bank of the Guadalupe and had been built in 1844 by Pedro Sainsevain. Sainsevain sold it in 1854 to W. R. Bassler, who enlarged it at the cost of \$60,000. Bassler sold it to A. Delmas. After him came A. Poulain. Poulain in turn sold it to G. M. Jarvis, who owned the property at the time of the fire.

There was a small fire in Chinatown in 1882. But the Chinese had 100 buckets ready for such an occasion and easily put out the fire.

In 1880 the William P. Doughertys had much trouble with incendiary fires on their property in Seventh near Washington. There were also several incendiary fires on their property in Seventh near Washington. There were also several incendiary attempts to burn the Catholic Church. A milkman tried to put out the fire with milk, but Cunan wrote as there was no water in the milk this was a failure.

One of the oddest experiences recorded by Mr. Cunan was when on December 31, 1882, there was a small fire in Santa Clara Street. Snow lay on the ground long enough for snow balling. As the firemen went to their task every one threw snowballs at them for several blocks. The firemen dodged the balls, but succeeded in putting out the

chimney fire.

Sometimes the firemen were robbed of glory as Mr. Cunan's record shows. March 30, 1882, a fire started in a mattress in San Augustine Street. Ed Brown, brother of Chief William Brown, was on a visit to San Jose from Portland. He rushed in, grabbed the burning mattress from the bed and carried it into the street. Mr. Cunan lamented that this "prevented firemen from gaining any honor at the fire."

The What Cheer House at Second and San Fernando Street. Before firemen could act James Hart, better known as the coffee king, seized a hand grenade and put out the fire.

"It did the business fine," wrote Cunan, "but the boys say they'll duck the king if he persists in robbing them of honors of "first water." Hart, the coffee king, had just been appointed agent for a hand grenade and he wanted to test the new fire extinguisher.

318. CHIEF BROWN'S RECOLLECTIONS

In 1882 and 1883 the late Chief Bill Brown was head of the Fire Department. From 1884 till 1890 he was head of the Police Department. His fondest memories lay in the days when he ran with the engine, when there was so much desire to be a fireman that there was awaiting list and men were even willing to pay for the honor. In those days firemen were lords of the town.

As a small boy in San Francisco, the chief always went to fires. In San Jose he became a volunteer fireman. When the volunteer department was turned into a paid department in 1876 the chief kept on with the work. At that time the foreman was D. A. Leddy. Leddy was later chief. John Dooremaalen was first assistant. M. Malke was second assistant. Lewis Schoen was secretary. D. M. Smith was treasurer.

Chief Brown liked the uncertainty of a fireman's life. Each stroke of the gong was to him a delight. One never knew what was going to happen, nor how nor when the men would come back. But the chief told me with pride that he never lost a man in a fire although he had several horses killed.

Chief Brown saw the Fire Department go through many phases. He ran with Broderick No. 1, the old fire engine so long at the almshouse. In the early days it was known as Empire No. 1. In after times a steamer was purchased, and the old hand engine fell into disuse. It even descended to serving to clean out cellars.

Chief Brown was especially proud of Empire No. 1 Company.

He said that they were the best looking fellows in town. In their red shirts, with their dashing fire hats, and with silk handkerchiefs around their necks they looked as if they were afraid of nothing. It is not strange that they were the idols of the ladies.

Chief Brown told me that a great celebration in the Fire Department took place on July 4, 1882. No fire alarm was given on that day. Members of the Empire Company invited 150 of their friends to feast. At the conclusion of the meal in the California Theater the Mayor and Common Council and Fifth Infantry were a guests of the company.

At the head of the table sat the Hon. A. Pfister. D. J. Porter, a charter member of the Empire Engine Company, spoke of the time when he and others more than 30 years ago had participated in the Fourth of July exercises. Tenderly he recalled the boys of that time.

Chief Brown said that in the old days the firemen used to sing as they pumped the engine by hand. Their favorite song was about

a soldier whose bones were bleaching on the plains of Mexico. The chief said that when he went to a fire he always went into the buildings first. The largest fire while he was head of the department was that of the Normal School. The fire started high in the building, and the men worked until they were ordered out. When the building was hopeless the men departed. He always protected the men, for he said he could get horses but could not get men.

The chief was very proud of his management of the fire when the Baptist Church burned February 21, 1882. There had been several incendiary fires in the church all successfully extinguished, but this time the fire gained great headway before discovered. There were two lines of hose throwing water into the building and all the firemen in San Jose were working. It was impossible to save the church.

Then the chief turned his attention to the surrounding buildings. Among these was the parsonage only a few feet from where the church stood. This and all the other surrounding buildings were saved. The Baptist Church cost \$18,000, and was insured for \$10,000. In fighting the fire the entire department was in service for eight hours.

In 1883 Chief Brown left, the Fire Department and the next year became Chief of Police.

319. FLAG BOY OF HOOK AND LADDERS

The late Francis Marion Quivey, son of the late Peter Quivey, was one of the two flag boys of the Hook and Ladders, the first volunteer fire company organized in San Jose in 1854. When I talked with him Mr. Quivey was one of the attendants at Agnews.

When Mr. Quivey was little more than a baby he was brought across the plains from Missouri by his parents. The Quiveys

arrived in 1846. Mr. Quivey remembered little about the journey. In San Jose he had few contemporaries. Mrs. Lowe-Schwartz, her sister, Mrs. Elizabeth McCracken, Mrs. Mattie Reed Lewis of Capitola and her sister, Mrs. Virginia Reed Murphy, who is in Los Angeles, and John F. Pyle, all of whom arrived in California the same year, but now they are all gone.

Mr. Quivey's father was a prominent man. He had much land, he started the first frame house in San Jose. He was the first American hotelkeeper. When the most conspicuous citizens in San Jose organized the Hook and Ladder Company it was but natural that little Francis Marion Quivey should be chosen to walk ahead of the procession with a flag and drop it at the proper moment to warn the firemen to turn a square corner.

It can readily be imagined that all there was of boyish glory in San Jose belonged to little Francis. He was the proudest boy in town. He was dressed exactly like the firemen. He wore their flame red shirts, their black trousers and their cap in miniature. Besides he was honored by being given a fireman's hat. Never was there a parade without the lad. Of course he became a fireman. It was inevitable.

When the boy grew up he joined the Torrents. With them he served several years. Then he became a member of the Empires. After he had done fire duty with the Empires he changed to the Hook and Ladders. When Mr. Quivey had finished his duty with them he went into the other companies. In all he did 22 years of duty in the fire department. He was one of the exempt firemen, and he gave longer continuous fire department than anyone in San Jose.

320. FOUNDERS OF NOTRE DAME CONVENT

Notre Dame Convent of San Jose really had its origin in Oregon. In 1844 Rev. Father DeSmet, S. J., visited Europe to interest some religious to assist in converting the Indians of the Rocky Mountains and of the Oregon country in particular. He made his plea to the mother general of the Sisters of Notre Dame at Namur, Belgium. Immediately many of the young sisters volunteered, but six were chosen: Sisters Mary Cornelius, Norbertine, Mary Alysia and Mary Catherine.

All eventually came to San Jose and were zealous teachers at Notre Dame. Sister Mary Catherine was the business woman of the little band of missionaries. In the Hall of Rosaries of the old convent I found that Sister Mary Catherine was the purchasing agent of most of the convent property.

Before leaving Belgium for Oregon the sisters journeyed to Brussels where they aroused much interest because of the venturesome, perilous journey upon which they were to embark. The Papal Nuncio came to give them his blessing. He also presented each with a little picture bearing his autograph. This Papal Nuncio was later known to the world as Pope Leo XIII.

On December 12, 1844, the missionary sisters set sail from Antwerp. Father Desmet and four other priests were of the party. The journey lasted seven months. At a little port Father Desmet went ashore and purchased a goat that the sisters might have fresh milk, and so, the mastering of this accomplishment furnished much amusement. One of the sisters held the goat by the horns while another milked. on the journey the goat largely sustained them because meat and food had to be thrown overboard. When they reached Oregon only salt meat and hard

tack remained.

The goat reached Oregon safely, and was probably the first in that State. Long was she an object of wonder and fear to the Indians.

On shipboard the missionaries never failed in their devotions. An altar was made of the piano supporting a chromo murillo and candelabrae. Here the fathers and sisters paid homage to her who was truly the Star of the Sea. This picture is called "Foundation Madonna," and has made journeys to different branches of Notre Dame. Its present home is in Salinas.

As the missionaries were preparing to land on July 17, 1845, a contrary wind drove the ship northward. Suddenly they found themselves staring at death. The missionaries prayed. They vowed to the Immaculate Heart of Mary. They promised special devotion and abstinence in honor of Our Lady for three years, but still the storm raged. The wind broke one of the masts and drove the ship into the open sea.

Finally a calm came. They turned shoreward, and on July 28 they sighted the Oregon shore.

But the greatest peril was yet to come, the bar at the mouth of the Columbia. Suddenly a fog filled the air and hid from them the mouth of the Columbia. They were in the breakers that roughened the channel for five miles.

The sailors began to sound, they found that they were in the shallows. They had taken the wrong channel. The sisters fell upon their knees and vowed if they were saved to found a chapel to the Immaculate Heart of Mary if they were permitted safe landing. This was

later done in San Jose where the convent chapel was erected in fulfillment of the vow. The Indians watching on the shore gave them all up for dead. Five minutes later they entered the stream. They called it a miracle. Never before had a ship entered the river by that branch of the stream.

After they arrived for the first time these delicate women learned the meaning of roughing it. On their way to the mission they tented on the banks of the river. They sat on their heels. The dining table was the ground with a mat for a tablecloth. They were devoured by mosquitoes, and they were so happy when they arrived at the mission that they recorded it as the "most beautiful day of their lives."

322. EARLY STRUGGLES OF SISTERS

St. Anthony certainly rewarded one hundredfold the faith of the pioneer sisters of Notre Dame. Their first pupil was a co-ed, the only co-ed in all the long life of the convent. He was John H. Townsend, who lived on the old Townsend place on the Townsend Road.

Little Jack Townsend was only 2 years old when he became a co-ed. He had a sad story. His father was Dr. John Townsend, at one time Alcalde of San Francisco, for whom Townsend Street of that city was named.

Dr. Townsend was probably the first physician in San Jose. He used to go about on horseback between San Jose and San Francisco to treat patients. In 1850 cholera raged terribly in the pueblo, and Dr. and Mrs. Townsend were the best known Americans carried off. During the cholera plague Father Nobili worked heroically among the sick. He baptized Dr. and Mrs. Townsend before they died and he baptized little Jack. Father Nobili himself was said to have had a mild attack of cholera, but he recovered.

With his parents gone a home was wanted for little Jack. The child's temporary guardian, Dr. Van Caneghen, looked about for some one who would take charge of the boy. All agreed that the sisters were precisely the persons. The guardian paid in advance Jack's board and lodging for the child and his nurse, and this enabled the sisters to lay in their first stock of provisions. The receipt for Jack's tuition is kept in the museum at Notre Dame.

The early pupils recall that little Jack used to sit in a highchair by Sister Mary. When he grew too large to be a co-ed he was sent to prominent citizen of San Jose and died with the unique distinction of being the only alumnus of the Convent of Notre Dame.

The first young lady to attend Notre Dame was Miss Emma Barry of San Francisco. Her father, Judge Barry, had entertained the sisters during their stay there. Afterwards Miss Barry became Sister Marie du Sacre Coeur. Other early pupils were Eugenie Van Damme. Mrs. Fuller Grant and Mary Foley. The last one of the early group to die was Mrs. Fuller Grant of San Francisco. She was the daughter of John Fuller, an Englishman, and Conception d'Avila of a family prominent in the early Spanish California history.

During that first year came the sisters' hardest struggle, but St. Anthony never failed. Often Father Nobili on his way from Santa Clara, stopped at their door. Without dismounting he asked if they had need of something. Always they had need of funds.

"Trust in St. Anthony." answered Father Nobili, riding on. The saint was as unfailling as the father. Before the day had passed Father Nobili returned with the required funds.

No wonder the faith of the soters was endless.

323. FIRST COMMERCIAL BODIES

The late Mayor George B. McKee organized and was the president of the First Board of Trade in San Jose. That was about 1873. E. J. Wilcox was the first treasurer of the society, and E. H. Swarthout was secretary. The meetings were held in an office near the Smout building.

The Board of Trade had a short existence. Its life did not extend over two years, though most of the prominent merchants in town were of the body. Some of its members were Antone Friant. Mr. Tueri of the City Store, Morris O'Brien, who started the candy business in San Jose; Auzerais and Bomeroy, E. W. Spring, Milton Campbell, Luther and Schroeder, Loeb and Etchebarne, and Jackson Lewis. One of the immediate purposes of the organization was to fight the impending license law which levied a tax on all merchants in San Jose. There was great enthusiasm among the merchants for their first society. Dues were paid, but no one had time to give to promote the body.

During the latter days of the Board of Trade the Alum Rock Road was being built. When the Legislature passed a law permitting the County to build a road to Alum Rock Park, General Naglee was one of the committee of three appointed to construct the road. The General was an autocratic individual who left the army because he differed with McClellan. Naturally he differed with many persons in San Jose. He always seemed to be enforcing martial law. He went ahead and built the road in his own way. The law required that bids be gotten on all contracts. The General was an engineer from West Point. He knew that he could build a better bridge for less money than any contractor in town, and he rushed the work. He set out trees at his own

expense and watered them. There was a great howl from the politicians. It wasn't politics.

The Board of Trade felt that the General was doing what was best for the city, even if he wasn't doing it in exactly the legal way, and so they passed a resolution commending him for what he had done. It was the final blow to a languishing body.

The Board of Trade came to an end about two years after it was born. The furniture was given to the Home of Benevolence.

After the first Board of Trade went out of existence for many years San Jose had no commercial organization. Not till 1886 did the business men attempt another business body. Then the second Board of Trade was formed. D. B. Moody was the first president. Later Barney Murphy held the same position. In after years W. E. Crossman was president and F. C. Ensign was vice president of the organization. Others prominently connected with the second Board of Trade were Robert J. Langford, A. Grenninger and A. C. Darby.

The second Board of Trade, like the Santa Clara Improvement Club, was a progenitor of the Chamber of Commerce. The first meeting of the Santa Clara Improvement Club was called together June 8, 1900 by V. A. Scheller. He stated that one week previously there had been a preliminary meeting of citizens in the valley interested in promoting the commercial interests of the community. Especially was the new body to avoid politics. Judge John E. Richards, who was secretary of the meeting, also made a speech. Others who addressed the group were A. T. Herman, Nicholas Bowden, Colonel A. K. Whitton and A. C. Darby, who suggested that the new organization associate itself with the Board of Trade. Dues of the Improvement Club

were \$2 a month and the members were obliged to pledge themselves to remain with the new body for two years. The managing board of the club consisted of 25 members, though it started with only 45, soon the membership grew to 150.

George M. Bowman was the first president. D. M. Burnett was secretary and John E. Auzerais was treasurer. The board of managers were: W. F. Foss, A. K. Whitton, J. H. Rucker, V. A. Scheller, Fred W. Moore, Henry Doerr, M. O'Brien, J. L. Stuch, Henry Lion, O. A. Hae, J. H. Henry, D. O. Dniffel, Frank Stock, A. J. Koch, George B. McKee, William B. Gentz, W. G. Alexander, Ralph W. Hersey, George W. Worthen, George P. Snell, J. D. Radford, Joseph R. Ryland, Dr. J. J. Miller, Dr. J. W. Davy and W. S. Clayton.

During the same year that the Improvement Club came into being, on December 8, 1900, the Board of Trade proposed that since the two bodies were working together on the same lines they should merge. The Board of Trade offered to turn over to the recently organized body the exhibit be maintained in a first class manner. This was done.

The last step in the formation of the Chamber of Commerce was made when on January 20, 1903. Paul Shoup, W. S. Clayton and Henry B. Matthews decided to change the name of the Board of Trade-Santa Clara Improvement Club to the Chamber of Commerce. By this name the society had been known ever since.

The following men have been presidents of the Chamber of Commerce: George M. Bowman, Valentine Koch, V. A. Scheller, E. N. Richmond, E. E. Chase, A. L. Atkinson, Judge F. B. Brown, Dr. W. C. Bailey, Joseph M. Parker, Victor La Motte, Dr. E. O. Pieper,

Charles F. Crothers, D. A. Gilman. Dr. Charles A. Wayland, Charles L. Snyder.

324. WITH A PIONEER TO ALVISO

The late Charles E. Wade was the pilot when we started for Alviso. Driving us was a San Francisco history hunter. He would get up at 2 O'clock in the morning to visit an old adobe 50 miles away or to find Indian relics. We set out to see the Alviso adobe.

It was Charles E. Wade's second experience in an automobile. The first time he went only a few yards. When we started Wade made it clear that he was dubious of automobiles, he preferred an ox cart.

But he pointed out where had stood interesting landmarks in the fifties. Julian Street intersected at Market, where was once the 20-acre pear orchard of Senora Romano. In Devine Street, near San Pedro stood her house. Near a large old pepper tree at Market and Devine was Elliott Reed's residence. He thought he could find one of the old stumps in a vacant lot at Julian and Market, but it had been dug out. Wade used to deliver Senora Romano's pears to the schooners at Alviso to be shipped to the San Francisco market.

When we drove through Market Street Wade told us that in the old days it was called Greaser Street, because it was inhabited largely by Mexicans and Spanish. Soon we passed into "American Street," as it used to be known because it was laid out by Americans. Now this is called First Street.

We drove out toward Agnew looking for the old adobes, but the automobile confused Wade.

"This is no ox cart. You go too fast. I lose myself."

Near the Edwards place on the San Jose-Alviso Road we passed a spot where once stood the "Quatro Reales" bridge. It was named by Wade and his friends the "Quatro Reales." They built it and tried for their labor to collect 50 cents from each of the drivers of the dinnabar wagons who hauled the metal from New Almaden to the Alviso schooners. The drivers refused to pay because the bridge was of brush, straw and dirt, and they got stuck.

On the Montague Road, named for W. W. Montague of San Francisco, we passed between rows of poplars set out by Wade, James Lick and W. W. Montague 60 years ago. Wade raised many of these trees from cuttings obtained by him from trees on the Brokaw Road, near the Narrow Gauge depot.

"When we came," he said, "there was not a sign of a tree down here. We set them out for shade and for break water."

Wade had not been in Alviso for some time, and he found many changes in his absence. The speed of the automobile also helped confuse him, but he continued to point out the old landmarks. As we turned into the Montague Road we passed a little inn called the Willow Tavern. Wade explained to us that in the sixties this tavern had been built by a Frenchman who called it the "Grace de Dieu." The builders of the inn were Jean de Rey and Ettiman Michelot. The Frenchmen had a fine vineyard. They bought 15 acres across from one of Mrs. Wade's family, the Alvisos, for a \$40 wine debt and a barrel of wine. Back of the tavern stood the ruin of an old distillery, the first distillery built near Alviso.

We went down Montague Road toward the old paper mill, and as we neared the bridge the pioneer told the driver to stop on

the bridge over the Guadalupe.

"I want to show you something," he said as we stopped. "Years ago that river was diverted by James Lick. Look at George Gallagher's house on the right. That used to stand in the middle of the Guadalupe." We saw an attractive bungalow surrounded by a pretty garden. "Lick wanted the dirt to put on some bad soil on the spot where the asylum is now. He owned the land, For years he had the men hauling the dirt over on his ranch and digging out and changing the course of the river. He wanted to use the water for a mill pond to run his mill with. Lick was afraid of horses, and he allowed a man to drive only one horse attached to a cart. He said that a man who could handle one horse was good enough for him."

At this point the Guadalupe is a tangle of willows and reeds. Surely James Lick left a beautiful foot print behind. As we continued on the Mohtague Road Wade explained that the land had once belonged to the Indians Marcelo, Christoval and Pio. From them it had been transferred to a man named Oliver Magnant, who built the grist mill in the fifties. From him it was transferred to James Lick. Jose Maria Alviso bought some of this same tract of land through a Portuguese agent. Alviso would not deal directly with an Indian. He said that Indians were brutes, not people.

On this Lick tract there still appears an artesian well. It is capped, and the water standing in the flume shows that it is still used for irrigation.

So many new roads had been made, so many had been closed up that we could not find the adobes. Presently we found ourselves back of the paper mills stuck in the soft road. We came back

to San Jose without seeing the Alviso adobes.

Mr. Wade blamed the automobile, "I never have faith in these go devils anyway, but we'll go to see the adobe another day."

325. ALVISO'S ADOBE

With the late Charles E. Wade as pilot we set out to find the only Alviso adobe of those built by the late Ignacio Alviso on his ranch, the Rincon de los Esteros near Alviso. It stood just back of the cement house built later by H. J. Richard, who owns a portion of the Alviso property. Mr. Wade had not been at the Alviso homestead in years, and although this was his third automobile trip he was still a little bewildered by the wild speed of 12 miles an hour. As he looked at the new orchards he said before he got his bearings. "I'm lost here on the Alviso place in the day time, and I'm not drunk either."

When we passed the pretty new modern Richards' gray bungalow and caught a glimpse of the ruins of the white adobe he found himself and the years that had flown. "I guess I ought to know this place, I was married here."

Then Mr. Wade went rapidly back to the night of his marriage to the early fifties to Miss Stefania Alviso. Senorita Stefania's mother was a widow, and she greatly disapproved of her daughter's marriage to Mr. Wade. Not only was he one of those fair blue eyed gringos who had worsted the Spanish Californians, but he was an infidel, a member of the dreadful Tom Paine Society. When the priest asked Mr. Wade if he was a Catholic the answer came in the negative, followed by the remark that he would not be baptized either. It was the holy Roman Catholic Church that caused the Alviso

wedding guests to sit all night staring and waiting and wondering why the priest did not come. However, Senorita Stefania had all the ardor of her race, and when the young couple threatened to be married by a Justice of the Peace the church gave reluctant consent.

The marriage occurred in the original Ignacio Alviso house which stood about 20 feet from the old ruin on the Richards place.

The Alviso adobe was rather spacious as adobes went. The living room with its thick walls must have been very comfortable. There were several bedrooms and the kitchen still standing in the rear. This adobe was built by Ignacio Alviso about 1838. This house was the property of Dolores Alviso who married Gaudalupe Berryessa. Her daughter is Mrs. Young, who lives near Alviso.

Ignacio Alviso, the founder of the Alviso family in Santa Clara County, at the time of the American occupation was the major domo of the Santa Clara mission. In the early forties when stranded American emigrants came to Santa Clara Ignacio Alviso gave them food and shelter. He was the son of Corporal Domingo Alviso, one of Anza's soldiers. When he came to this country he was only three. He married Miss Margarita Bernal. The Alvisos are related to all the important Spanish families in northern California. They were grantees of several ranches, Natividad, Canadi Verde y Arroyo de la Purisima, Milpitas, Potrero de los Cerritos, El Juito, Canada de los Fasqueros, and Rincon de los Esteros. He settled at the rancho de los Esteros about 1820, where he died. His will gave to the church one-third of all he possessed for masses.

The Spanish Californians had no banks. In reality the money consisted largely of hides and cattle. Wealthy rancheros like the Alvisos and the Bernal's kept their doubloons in strong boxes. Sometimes they buried money. Some of the great ranches have legends of buried treasure. On Stevens Creek there is a ranch where Vasquez and his highwaymen are said to have buried gold. Occasionally the Spanish rancheros were robbed, thought it was a custom among Spanish Californians to have in their guest rooms a handful of uncounted coins for the service of passersby temporarily embarrassed.

When the Americans came to California and found the mines gold dust became the coin of the realm. James Frazier Reed had a trunk of gold dust. John Murphy had a nail keg. In every family and shop were scales for weighing the precious metal.

In the early fifties interest was very high, from 5 to 10 per cent a month. A favorite rate was 3 per cent a month compounded monthly. Spanish Californians often paid 100 per cent a year for loans from Gringos. Many a great fortune in California had as a foundation 50 per cent interest.

James Lick, one of the most substantial citizens of early days in San Jose, was always a big borrower. Rather than pay the rate prevailing in this State he obtained large funds from the East.

Men with money to lend in San Jose who did not care to bother with it themselves, placed it in the hands of E. Pl Reed, the broker, brother of Elliott Reed, the Wells Fargo agent. Reed used to lend money for William Wallace, afterwards Justice of the Supreme Court of California. He also handled money for "Bill" Wilson,

a wealthy cattle man. Reed was trustworthy and keen in everyone's business transactions but his own. He died without having accumulated much.

The first bank in San Jose was owned by Knox and Beans. They were brothers-in-law. The bank was organized in 1866 by Dr. William J. H. Knox, who had made a small fortune practicing medicine and in mines in Nevada City. Dr. Knox erected the Knox building. He took as a partner T. Allard Beans. The partnership was not a corporation.

This was the beginning of the Bank of San Jose, which was incorporated in 1871. Major Bray was the first president. The cashier and manager was A. Allard Beans. The bank stood in the Knox Block and afterwards moved to its present site.

One daughter, Mrs. Virginia Knox Maddox, of San Francisco, survives Dr. Knox. William Knox Beans is the present president of the oldest bank in San Jose.

The San Jose Savings Bank came into existence about 1869. It was the first savings bank in the city. Like the Bank of San Jose, it was organized by a physician, Dr. J. C. Cobb. The bank stood in Santa Clara Street, between San Pedro and Market Streets, and was where is now the Rea Building. J. J. Bowen, once a surveyor, became cashier. Later Judge John H. Moore was president of the institution. The bank was not successful though some of its promoters made considerable sums from its organization. In 1882 it went out of existence. Afterwards Ryland and McLaughlin founded a successful savings bank.

327. EDWARD McLAUGHLIN

Edward McLaughlin was not only the oldest banker in San Jose, but the richest man. He left several millions, and yet, he lived in quiet and simplicity and refused to drive in an automobile. Mr. McLaughlin always took a street car, but his children had their own machines.

Mr. McLaughlin was very devout. He was one of the few San Joseans with a private chapel. His religion extended into his private life. His charities were enormous, but he did not like to have them mentioned. The bells of St. Joseph's Church were presented by Mr. McLaughlin. To the University of Santa Clara and to the convents he gave large sums. Besides he had a long list of pensioners whom he liberally helped, but it was one of his characteristics to try to conceal his finest deeds.

Mr. McLaughlin was of Scotch extraction. He was born in Philadelphia in the year 1829. When a little boy he left Philadelphia and went to New Orleans where he worked in a hardware store. For the hardware business he always retained a fondness. Before his death he was a large owner in the Union Hardware Company in Los Angeles in which his son, Eugene, and his son-in-law, Mr. Scheller, are actively engaged.

In about 1852 he came to Nevada County. In Grass Valley, Sacramento and San Francisco he had stores.

In 1876 he sold his stores and went to Europe for a year. He went on the first steamer that sailed for the Orient from San Francisco. In 1868 he came to San Jose because he liked the climate, and because it was a good place for educating children.

In addition to the Union Hardware Company. Mr. McLaughlin was identified with the Madera Flume and Trading Company, a large lumber concern. He also had large mining interests with the Colemans in Grass Valley. Among Mr. McLaughlin's closet San Jose friends were the late Judge O'Connor and the late E. J. Wilcox. Mr. Wilcox and Mrs. McLaughlin were born in the same year, 1829.

Mr. McLaughlin's children are: Eugene McLaughlin of Los Angeles; Mrs. Scheller of Los Angeles; Mrs. John Brooks of San Francisco; Mrs. William Leet and the late Mrs. John Auzerais of San Jose.

Mr. McLaughlin entered the commercial world in San Jose when he established McLaughlin and Ryland's Bank, May 4, 1869, in a building in Santa Clara Street between First and Second. In 1872 the banking firm erected the Safe Deposit Block. Into this they moved and did business till two years later, when it was merged with the Commercial Savings Bank.

The Commercial Savings Bank was a stock company with Mr. McLaughlin, Judge Ryland and Mr. Murphy as stockholders. It opened for business in 1872 with Mr. McLaughlin as manager. They leased rooms in the Safe Deposit Block and occupied them until they moved to the opposite corner in 1886. In 1883 Mr. McLaughlin sold his interest in the bank and retired from its management. In the year 1883 Mr. McLaughlin also bought Mr. Ryland's interest in the Safe Deposit Block.

On May 1, 1885, in the Safe Deposit Block at Santa Clara and First Streets Mr. McLaughlin opened the San Jose Safe Deposit Bank of Savings. It was taken over by the Bank of Italy and

and torn down last year for the new 12-story bank structure there.

328. WILLIAM FITTS' OMNIBUS

William Fitts had the first omnibus connecting San Jose and Santa Clara. Fitts arrived from Maine in 1850. His omnibus started at the Cameron House in Santa Clara and stopped at the Auzerais House in San Jose. The fare was 25 cents.

Fitts was a good looking youth, and he added much to the pleasure of the senoritas who went from Santa Clara to the convent daily. Driving in a bus with a handsome young gringo was a romantic adventure, and several girls never missed a day from school. Their parents proudly thought that their children loved learning.

William Fitts himself soon had no eye for any of the senoritas except Dolores Pinedo, daughter of Lorenzo Pinedo, of Santa Clara. I saw her miniature at 13, a correct demure, black-eyed girl, delightfully dressed. Though William Fitts was a gringo and Dolores Pinedo's grandfather, Jose del los Reyes Berreyessa, had been shot by the gringos at San Rafael in '46 and the Berreyessas had sworn never to speak to gringo, soon Dolores Pinedo had no eyes for anyone but William Fitts.

What did it matter if the horses and the clumsy old bus were mired in the Alameda and for hours could not be extracted? Dolores thought that somehow William would manage it. At any rate, it meant more hours together, when they had to drive miles out of their way on the Infirmary Road to reach Santa Clara. In reality William Fitts and Dolores Pinedo thought winter far nicer than summer because it took so much longer time to go from Santa Clara to San Jose and San Jose to Santa Clara. They were married, the senorita and the

gringo from Maine, and they went to live next door to the old Pinedo house in Alviso Street, Santa Clara.

Later the bus line between San Jose and Santa Clara was replaced by a horse car. William Fitts became the jailor in San Jose. Then he left that position and managed the new horse car line for several years.

The horse car gave way to the first electric underground conduit road in San Jose. It was tested in the Alameda. The inventor of the underground conduit, Frank Fisher of Detroit, was one of the owners of the line. The underground conduit was not a success. Finally it was replaced by the overhead trolley.

William Fitts' wife died several years before he did. About ten years ago he passed out of existence at his residence in South Sixth Street. He was ill for 14 months before he died. During that time the Alameda had been paved, so he was told. The old bus driver could not believe it. He asked his family to take him to the Alameda to see if it was really true.

Yes, the Alameda was paved, but the Alameda that William Fitts saw in his last days had three rows of trees, calalleros with bright serapes, ox teams and carettas, indians, an old lumbering bus drawn by horses knee deep in the mire, containing a pretty girl on her way to the convent.

329. TRIALS OF FIRST STREET CAR CONDUCTORS

The late William Fitts was the first street car conductor in San Jose. Before the little bob tail horse cars running from San Jose to Santa Clara, close to sidewalk and near the trees, were introduced, Billy Fitts had a stage line running between the two towns.

Street cars spoiled his stage line. Fitts became a conductor on the new line. He was an institution in the community. For more than 13 years he was connected with the street railways. Then he left and went to work for the water company and was with them 21 years.

Shortly after the street cars began running a jolly Irishman named Dominick Higgins was also a conductor. After Dominick Higgins left the Santa Clara road he went to work for Jacob Rich, who owned that line running to the Willows. When Dominick Higgins left railroading he went into the hack business, and for 30 years supplied hacks in San Jose. After having been in the hack business longer than any one in San Jose he died 20 years ago.

These first two street car conductors had anything but sinecures. They received small wages, only \$40 a month, but in purchasing power today it was equivalent to \$125. In those days conductors drove, collected fares and if anything went wrong, repaired the track. They were obliged always to look after the horses. Dominick worked from 5 o'clock in the morning till midnight. Cars did not run on regular schedule, but when Dominick Higgins knew that there was to be a theater party from the Willows he got out the lod horse car and obligingly brought theatergoers home at midnight.

Some of the older people tell me that often they met an empty car going in a direction opposite that desired by them. They did not hesitate to ask the driver to turn around and go the other way. This was usually done. Conductors collected fares. The only cash register was their own honesty. Owners of roads changed the conductors about a great deal. They knew approximately how much a route should bring in returns. If Jacob Rich suspected a conductor of dishonesty

he used to bring the culprit before him and say, "There are two kinds of men I can't get on with, one is a thief and the other is a hoodoo." He silenced the protests by saying, "Of course you are not a thief, but you're a hoodoo, so you'll have to go."

Stories are related of how sometimes, owing to deficits conductors were asked by owners to run the roads and keep everything for themselves. One conductor found this so unremunerative that he returned with thanks the road to the owners and asked to be placed again on a salary. One of the Bethel boys used to say that Dominick Higgins was the conductor, section boss, superintendent and manager. He, Bethel, was consulted only when there was a deficit.

Of all the troubles of conductors of the bob tail car, most vexatious were the school boys between San Jose and Santa Clara. Students used to teeter the cars, until the conductor was obliged to stop his horse and enter the car to find out what was the matter. Of course there was nothing the matter when the conductor entered the car. Then the boys climbed upon the roof of a car by means of a ladder. Sometimes passengers in the summer wished to embellish the journey to Santa Clara by a drive on the roof. They took these seats and ducked where the branches of overhanging trees scraped their heads.

The boys used to station themselves on the rear of the car and teeter it so that the front rose and fell. When the conductor stopped the car and went flying up the stairs he found only innocents aboard. As soon as the conductor went back to his work the boys placed themselves in the front. Sometimes they became wholly unmanageable and took the reins away from the conductor, telling him to go inside while they drove to Santa Clara. For the students this was the supreme

adventure.

In those days it cost 10 cents to go to Santa Clara. The late Gus Lion told me that when he was a student at the University of Santa Clara the boys thought it great fun to run alongside the car half way to Santa Clara, save 5 cents of the fare and spend it for chocolates at Turner's.

330. PANCHO DANIEL, BAD MAN

Both the late Dr. Hume A. Spencer, the veterinarian, and the late Louis Bruch, principal of the Washington grammar school, told me that the bad man of their school boy days when they both went to Wesley Tonner's school in Market Plaza was Pancho Daniel. Murietta was already dead and Tiburcio Vasquez had not yet appeared. "Pancho" is a nickname for Francisco. Pancho Daniel was not a native of San Jose. He came from Los Angeles. In the early fifties when John Murphy was Sheriff Daniel was incarcerated in the jail. The small boys in town were greatly excited by the presence of the terrible man.

One day the news spread that Pancho Daniel had escaped. Sheriff Murphy took after him, followed by Jacob Miller, the Constable, and Jasper D. Gunn, the Marshal, and William Lublette, Deputy Marshal. The officers were armed and the whole town was soon in pursuit. Through Market Plaza they went, out First Street north to a blind slough bridged at First and Taylor Streets. There Jake Miller fired and broke Pancho's arm, killing his horse. Pancho turned on Miller, held his gun up at him and so frightened him that he forced the Marshal to turn and run. Then Pancho removed the saddle and bridle from his own horse and soon he was lost in the mustard jungle which covered what was once called the Phelan Tract, now the Vendome Tract.

For a day or two the refugee did not emerge. Pancho hired an Indian to fetch him food. Sheriff Murphy found out that the Indian was taking Pancho supplies. The officer bribed the Indian to tell him where Pancho was. The Indian confessed that the highwayman had burrowed in a hole in a hay stack in the mustard forest and was there concealed.

Immediately the officers set out for the haystack in the mustard. Pancho was entirely hidden. "Come out," they called. He refused "Come out or we will burn the haystack." Evidently Pancho was considering that. "Come out, throw away your pistols and walk backwards or we'll burn the haystack."

Slowly out came Pancho, walking backward and unarmed. He was bound and placed on a wagon and carried in triumph through the town. Dr. Spencer saw the famous captive, and so did all the other small boys who had legs swift enough to carry them to the scene.

Pancho wasn't such a terrible looking person chained on a lumber wagon. Dr. Spencer says he was just an ordinary appearing little Mexican, but after the excitement was over every one felt more comfortable. The small boys admired Pancho, who had frightened the officers into flight and made his escape, but Pancho with his uncanny quickness, made the grown people shiver even after he had gone to jail. They were mightly relieved when Pancho was safely on his way to Los Angeles in the care of Sheriff Murphy, where he belonged. They hoped he would never come back and he didn't.

In Los Angeles, whither he was taken, so great was the fear of the people that again Pancho would flee that one morning citizens took him from his cell along with several other lawbreakers and

hanged him.

For many years so long as the bridge was in existence at First and Taylor the marks of the buckshot fired at Pancho Daniel were visible. Now the slough has been filled in and the bridge has disappeared.

331. FELIPE, THE TERRIBLE

Felipe was the worst man that Santa Clara County has ever known. Pioneers still shiver at his crimes. Each seemed worse than the other. He apparently lived to welter in gore and eat men raw. Felipe Hernandez was his full name.

Romance has it that a woman sent Felipe wrong, his wife. On her account he killed a man at Alviso, but in light of his later career that seems to have been almost a respectable adventure. In 1860 he was tried for murder. Convicted the first time, the second time he was freed. Shortly after this he invaded the home of Harry Bee at 4 o'clock in the morning. A ball was at its height at the Bee residence in Market Plaza. Naturally Felipe was uninvited. His presence caused amazement. Bee had married a Spanish-Californian. All knew that Felipe had come and that trouble was inevitable.

Trouble began immediately. Felipe seized the guitar of John Bee, son of Harry Bee. He, Felipe, would show him how to play. John Bee resisted. In a second there was a fight. Before the guests knew what had happened John Bee, only 21 years old, was dead.

Harry Bee heard the shot and rushed to the rescue of his son. He, too, was shot, and that is why in his pictures he appears as a one-legged man.

Dr. Cory and Spencer were summoned to operate on Harry

Bee's leg. Dr. Hume A. Spencer told me of going with his father when he performed the operation. The boy sickened at the smell of choleroform. The doctor recalled hearing one of the ladies say: "Povercito! Povercito!"

A desperate companion of Felipe, a man named Gonzales, was responsible for the bullet in Harry Bee's leg. Both men tried to make their escape. Felipe succeeded, but Gonzales was arrested. Afterwards the officers captured Felipe and he was brought to a speedy trial.

Dr. Hume A. Spencer recalled well the trial of Felipe. In his younger days the desperado had been a sheepherder for Dr. Spencer. The son went to the courthouse in Market Street and listened and watched while District Judge Sam Bell McKee sentenced Felipe to death.

Dr. Spencer recalled well that tall straight, arrowlike figure, the fine-visaged, keen-eyed man that rose and listened to the sentence. Weighted down as he was with 60 pounds of iron, he seemed an iron man. Irons bound his legs. Two-inch chains held together his wrists. Irons held his hands to his sides. In spite of the way the law had bound him, in spite of the fact that he was guilty, every feature proclaimed defiance.

The judge said, "May you be hanged by the neck till you are dead, dead, dead!" It was like a treble curse. All shuddered but Felipe.

Even irons had not subdued him. Curse for curse he returned, "I won't be here, here, here."

No one believed it except Felipe. He did not believe, he knew.

Raging in his irons he went out of the courtroom. Every-

thing from the defiant clank of his chains to the fury in his eyes warned them to beware of the beast they had fettered.

Jailer Roohan believed in irons. He weighted Felipe with more irons. He said, "I'll break his will. He'll die as they all do, a coward."

With heavier chains Felipe's fury grew. And so too, seemed to grow his strength. He clanked about in his cell like a wild man. He knew what the jailer said, but break him they should not. So great was his love of life that he leaped from side to side in his cell, with all his power, fighting to keep up his strength, swearing that the jailer should not break his will and health. It was a battle that he would fight till the rope choked out his life.

Every day the jailer felt the menace in Felipe's glare. He removed him to the central of the three cells in the jail where he could be better watched. Jailer Roohan's assistant carried the prisoner in his meals, but the jailer accompanied him. Before Roohan entered his cell he armed himself with a sixshooter and a knife. Felipe would not give way. The jailer tried corporal punishment.

He used to kick Felipe say the men of that time. Felipe showed what Roohan called the "greaser coward" in him. He did not know that after every kicking Felipe raged about in the cell swearing that he might be hanged, but he would not be kicked to death by the jailer. He would hold up till he could make his escape.

Felipe was placed under death watch, but he never lost faith that he should free himself. By a strange contradiction he even prayed to St. Anthony to help.

Suddenly he stopped fighting the jailer. He was amiable.

Often he allowed the jailer to find him on his knees or to discover him with a rosary. The jailer knew that this would be the end of the greaser. He would be quaking with fear before he was hanged.

Then Felipe pretended that he could not eat. The jailer chuckled. He had seen them go to pieces like that before. A greaser could not die like a man.

Felipe did not need food from the table, he lived on hate, as alone in the silence of the night, while his guard slept he quietly filed the irons on his hands, filed his way to murder, escape and liberty. During the day he acted the craven so well that the jailer never once suspected.

In those days the Spanish-Californian world was to the American world a mystery. News went by wireless among the native Californians. Some one the day before Felipe was to have been hanged left two horses tied near the jail. They attracted no attention. Commonly horses were left standing in the street.

At 5 o'clock that very day the jailer's attendant carried Felipe his dinner. The jailer felt rather proud of himself that it was a good dinner. Not that he expected Felipe to eat it, he hadn't the guts. But it was a good dinner, the best, the jail could cook, chicken and all that sort of thing.

Felipe made a feint of trembling. It was his last dinner. Tomorrow, God knew when, he would be dead. From the tray he knocked a fork. The jailer stooped to pick it up. It was his last act.

Chains fell from the wrists of the madman. Felipe's fingers were at Roohan's throat, strangling him as if he were a fat

baby. With a yell he seized the jailer's knife. Roohan tried to get at the pistol in his belt. Felipe pinioned his arms. Then commenced the struggle to set which should die. Attendants and prisoners stood aside and watched.

Felipe went at Roohan's throat with his own knife. That made him happiest of all, to kill the man who had tortured him with his own knife. He carved Roohan's throat as if it were a peice of meat. The jailer sank to his knees. One effort he made to rise. Felipe buried his knife in his heart. That was death, but death didn't satisfy Felipe.

Again and again he stabbed for hate. He made great gashes in the man's body. He plunged his hand into the wound and uttered his hatred in so terrible a cry that for a moment the lookers-on were silenced.

At last one prisoner made a protest.

"Shut up! Do you want to die too?"

He spoke no more. They knew that Felipe would keep his word with him as he had with the judge.

Felipe took possession of the jailer's keys. Unfastening one of the cells he locked within the trembling waiter and at the same time freed a Chilenian in irons, who had been locked up the day before for stabbing a man at Almaden. For an hour Felipe worked to free the man. Then together they went into the jailer's private room where they found tools that filed off the iron shackle.

At 2 o'clock in the morning they took two revolvers and \$800, mounted the two horses awaiting them outside and were off. They went to a fandango being held in Chaboya alley near the Farmers'

Union and were the heroes of the night. They danced their joy. No one could be found in all the Spanish California world who would betray them to a gringo.

About the same hour the next morning when Felipe should have been hanged he and his companion were seen riding southward past the Twenty-One Mile House. Officers and posses pursued, but that was the last ever seen of Felipe in the Santa Clara Valley.

The last news of Felipe was brought some years later by Bill Williams, brother of Milton S. Williams, who was in Mexico at the time of the Maximillian trouble. Bill Williams took sick with a fever. He woke and found standing over him two nurses and Felipe. He was in the uniform of a Mexican officer. The desperado nursed him through his illness. The next he knew of Felipe he was shot for insubordination.

332. COLLEGE OF THE PACIFIC

Methodist missionaries were the forerunners of the University of the Pacific. As early as 1834 Messrs. Jason and Daniel Lee came to Oregon as missionaries. In October, 1848, the Rev. Isaac Owen was commissioned by the central board of the Methodist Episcopal Church in New York as missionary to California. Rev. William Taylor was his assistant. Taylor reached San Francisco in September, 1849, and Owen came overland the same year and took up his headquarters at Sacramento. Mr. Taylor later became Bishop Taylor and did heroic work in Africa.

Mr. Owen or "Father" Owen, as he was often called, before he came to California had been financial agent of the Indiana Asbury University, later known as De Pauw.

In October, 1950, three additional missionaries came to aid in California. These were the Messrs. S. D. Simonds, M. C. Briggs and Edward Bannister. In May, 1851, three others arrived: Messrs. Charles Maclay, D. A. Dryden and A. L. S. Bateman.

In 1851, acting upon the request of the missionary board, the Rev. Isaac Owen appointed an educational convention to consist of an equal number of traveling preachers and intelligent laymen. The convention met in the Methodist Church, San Jose, January 6, 1850. The following delegates were present: Isaac Owen, chairman; Edward Bannister, secretary; James M. Brier, H. S. Loveland, William Morrow, C. P. Hester, James Corwin, M. C. Briggs and W. Grove Deal. It was decided to found an institution of the grade of a university.

A subcommittee was appointed to make inquiry concerning and to negotiate for location and grounds. Messrs. C. P. Hester, Isaac Owen, William Morrow and E. Bannister brought the subject before the California Legislature then sitting in San Jose and secured action chartering the institution.

While the University of the Pacific did not receive its charter at the hands of the Supreme Court for some time, the 6th day of January, 1851, was in reality the birthday of the University of the Pacific. The charter was granted July 24, 1851.

Immediately land was offered the baby university at San Francisco, San Jose, Santa Clara, and even Vallejo was considered. The first board of trustees consisted of the following men: Isaac Owen, D. L. Ross, S. D. Simond, C. P. Hester, W. Grove Deal, William Taylor, F. E. Kellogg, J. W. Brier, D. O. Shattuck, Joseph Aram, J. T. McLean, L. E. Anthony, Annis Merrill, Benjamin Pearson, M. C. Briggs,

E. Bannister, J. B. Bond, William Morrow, James Rogers, Warner Oliver, James Corwin, Charles Maclay, Davis A. Drydes and A. L. S. Bateman.

At the residence of the Rev. Isaac Owen in Santa Clara it was decided to locate the university in that town. Mr. Owen reported subscriptions to the amount of \$27,500 on condition that the college or university be located on a lot of 20 acres in or near Santa Clara.

Then it was decided to christen the institution the California Wesleyan University, which was the first official title of the institution. This name, however, was not long used. On August 15, 1851, at the first meeting of the board of trustees held in the Powell Street Church, San Francisco, it was resolved to petition the next Legislature to change the name to the University of Pacific.

On the motion of the Rev. Isaac Owen it was resolved that the college be opened to such females as may desire to pursue a college course. However, the regular instruction of men and women in the same classes did not actually occur until 1869, when the institution of men and women in the same classes did not actually occur until 1869, when the institution was about to be removed to its San Jose site at College Park.

Delay in building was occasioned by the difficulty in perfecting the title. However, two buildings were soon completed at Santa Clara. The women's building was a two-story structure and cost \$5000. The men's building had three stories and cost \$3000.

Father Owen was able to report to Secretary Bannister June 14, 1852, that Brother Bannister had opened the primary department on the first Monday of May. A small class had been organized

that would graduate. There were 54 students in all. Professor Bannister was principal. Mrs. Bannister had charge of the female department and Mr. Robbins of the primary. A music teacher had also been engaged.

The other ancestor of the University of the Pacific was the California College. In the columns of the Weekly Visitor I found an Advertisement on January 6, 1852, inserted by Rev. Charles Maclay, agent of the college, asking in the name of the trustees of the California Wesleyan college that the first installment of the subscriptions be paid January 6, 1852.

On April 2, 1852, the Rev. Charles Maclay advertised in the Visitor for 200, 000 bricks "for the construction of the university at Santa Clara."

From an advertisement in the Visitor on May 3, 1852, I found this announcement for the "Academical Department of the University at Santa Clara."

"The preparatory department of this university will be opened for the reception of pupils of both sexes Monday, May 3, 1852. This school will furnish a full course of academical instruction, both in the solid and the ornamental branches of learning, and these who desire it will be trained with reference to a whole college course.

"A building will be erected for its use with convenient and spacious apartments, and no pains will be spared in furnishing the best of facilities for thorough education of youth.

"The following teachers have been elected:

"Rev. E. Bannister, A. M., principal.

"J. W. Wells, assistant.

"Mrs. E. Bannister, preceptress and teacher of French, drawing and pointing.

"----, teacher of music.

"The year is divided into two sessions of five months each.

"Terms:

"Primary department per one-half session, \$8.00.

"Common English branches, \$10.

"Higher English branches, \$15.

"Latin, Greek, French, and Spanish, each \$4.00.

"Drawing and painting, \$8.00.

"Ornamental needlework, \$4.00.

"Board, a week, \$4.50.

"Music will taught. Terms will hereafter be made known. Payment required quarterly in advance. These low terms make this necessary."

333. FIRST CLASS OF UNIVERSITY OF PACIFIC

There were 10 men and women in the first class of the University of the Pacific. Their names were Thomas H. Laine, Joseph C. Hamer, Elijah Hook, John W. Owen, DeWitt Clinton Vestal, Mary E. Smith, Mary A. Miller, Martha J. Hughes, Mary B. McDonald and Emeline Brickell. Miss Hughes became Mrs. J. H. Braley of Los Angeles. Miss Mary B. McDonald was a music teacher. Miss Smith for a time taught school in Monterey County, but later married E. T. Brooke. Miss Miller later was the wife of Captain Rogers. Miss Brickell was the beauty of the first class, a dashing dark mountain girl from Truckee.

She was described as being very different from the demure valley girls. She was a great belle became Mrs. Wallace. Mr. Vestal was a son of one of the oldest settlers in San Jose and followed agriculture. Mr. Hook was a furniture merchant in Oakland. While at Santa Clara he met and married Miss Henderson, daughter of one of the old postmasters. Mrs. Laine was one of the brilliant lawyers of his time in San Jose. With him in later years was associated Judge Gosbey, who was a nephew of Mrs. Smith Brooke. Mr. Owen was the son of "Father" Isaac Owen, one of the most important men in the early days of the university and in the Methodist Church in the valley. Most of these students took the degree of bachelor of science. Thomas Laine and John W. Owen followed the classical course, and were the first two students to receive the bachelor of arts degree in the State of California from a local university. Mr. Owen practiced law in Oakland. He married Miss Nellie Cornwall, also a university student.

Of all these young people who so seriously but happily received their degrees on the wonderful 9th day of June, 1858, in the little adobe church at Santa Clara, the only survivor is Miss Mary E. Smith, now Mrs. C. T. Brooke of Sacramento. She was one of the ablest students. She received the prize for having passed best the examinations. Miss Miller had the prize for having the best essay.

Mrs. Brooke's father. Annys Smith, lived at Santa Clara, not far from the university. On his place were a number of cottages rented by him to students. Mrs. Brooke's sons are in the real estate business in Sacramento. One of her sons, Dr. W. M. Brooke, is the Coroner of San Mateo County.

In a letter recently received by me from Mrs. Brooke she tells me that the five girl graduates were all dressed alike in white tarleton. Their skirts were plain and full and were trimmed with four or five narrow rows of blue ribbon around the bottom. Mrs. Brooke thinks that they were all made by hand because all sewing in those days was done by hand.

Mrs. Brooke does not recall the titles of their essays, but her own was "Lovest Thou Me?" Miss Miller gave the valedictory. I have been told by one of the ladies present in the audience that all the women read their essays. In those days it would have been considered a little mannish to recite an essay. Miss Jettora Watkins, who later became Mrs. Hyde, was the first woman to shatter this precedent. After Miss Watkins set the fashion it became quite the correct thing to recite essays, and women were not considered mannish either.

Mrs. Brooke writes me that all the graduates received a great many flowers, and they were more appreciated than they would be today because they were so rare. All the parents, relatives, friends and important people of the community were at the commencement exercises.

Father Accolti of the University of Santa Clara sat on the platform, showing the great friendliness existing between not only rival institutions of learning, but between churches as widely separated in dogma as is possible for Christian Churches.

334. LITERARY SOCIETIES AT UNIVERSITY OF PACIFIC

Part I

Fraternities and sororities have never thriven at the University of the Pacific. In their stead were literary societ1

es and social clubs. These were encouraged by the faculty. First of these organizations to be organized was the longest continuous existence of any society in California. The late Thomas H. Laine was responsible for its formation. Archanian comes from the Greek archana and means "origin" or "foundation."

In an old scrapbook arranged by Mr. Laine, and now in the possession of his daughter, Mrs. W. A. Johnston, I found some of the early programs of the entertainments of the Archanians. One gives the program on the occasion of the Archanians' second anniversary, June 11, 1856. This program reveals that the society was organized in 1854.

After prayer and music, on this occasion an essay on "Revolutions" was read by G. W. Blackford. Then C. N. Senter gave a talk on "The Duty of the American Citizen." J. H. Donovan followed with a paper on "Actor and Dreamer." J. H. Braley gave a talk on "Hope." A paper on "Military Education" was read by W. F. Kincaid.

This program was printed at the San Jose Tribune office. The motto of the society at that time was: "Perseverantia impedimenta omnia superat." Another program in the same book printed by Towne and Bacon, San Francisco, and used three years later, June 7, 1859, at the celebration of the fifth anniversary of the society, shows that in the interval the motto of the society was changed to the one in present use: "Laureas super monten scientiae carpe." Mr. Senter and the program. Charles S. Smyth was the new name added.

The Archanian Society not only had the characteristics of a social club, but of a literary and debating society. Here Thomas H. Laine and other rising stars first learned to gather their thoughts

and speak while standing. A man was given a topic and allowed only a few hours preparation for debate. He was compelled to stand and talk from three to five minutes. Talk he must. If he could not talk he was compelled to stand for that length of time. In this way were orators made. All essays and debates were mercilessly criticised. Before a debate with the Thizomians was put on in public it was rehearsed many times.

In those days debating and oratory in this country were very highly rated. People traveled miles to be present whenever Thomas H. Laine and another young man whose name is lost in college tradition used to meet on the platform. Thomas Laine had a rich, deep, musical voice and his portraits show him to have had a most attractive, glowing personality. Even at 17 it is said that he had the voice of a young tiger.

Thomas H. Laine dominated the Archanian Society. He was a southerner, who felt most intensely the cause of the South. Even in the fifties slavery was always being hotly debated. Southerners naturally became Archanians. With them went northerners of aristocratic tastes and habits of life. In the beginning at the university the well-to-do boys alone could afford the luxury of the society and the social life of which it was the focal point. One elderly gentleman said to me sadly that he had been unable to be of this society. The young ladies of the seminary made great pets of the Archanians. They were the young men with pocket money to send them sweets, to take them driving and elude vigilant teachers who were warned by parents to see that youth and caid met not.

Many stories are told of the pranks played by the

Archanians is the beginning, for they were then daring, fun-loving boys. One morning Professor Kimberlin arrived and found a calf tied to the back of his chair. At another time the boys took Professor Kimberlin's buggy and placed it on the roof of the three-story Brick College. The horse was in a room also three stories up. At first the joke was on the professor, but it was on the boys when they tried to make the horse walk down three flights of stairs. How they ever got the animal down the professor never knew, but it came to miraculous safety down without any broken legs.

As the society grew older it has lost something of its worldly character, and has become more sedate. Today many of the students for the ministry are to be found among its members. Among the more recent distinguished members of the society are Eugene M. Rhoades, who writes good stories of the southwest for the Saturday Evening Post; Judge John E. Richards, Judge Beasly and Judge Gosbey.

335. LITERARY SOCIETIES AT UNIVERSITY OF PACIFIC

Part II.

So many men students are in the Archanian Society at the College of the Pacific that it may be roughly stated that all those not belonging to one organization are members of the other large group, the Rhizomians. The Rhizomians are second in age to the Archanians. They were organized in 1858 by a young man named Donovan. The name Rhizomians comes from the Greek "Rhizoma," which means "root."

Herman A. Saxe, who was for many years a teacher in the public schools, and who was a student at the university in the

early sixties, told me that in his time the most noticeable difference between the two groups was that as a rule the Archanians were well to do and the Rhizomians, like himself, worked their way through college. He did janitor work for the Methodist Church. Naturally he had little time or money for amusements after he had finished his cooking and got his lessons. Life to the early Rhizomians was an earnest struggle. They stood high in their classes and were excellent debaters. Mr. Saxe thought that the Rhizomians excelled Archanians in debate in his boyhood time. Many clergyman-to-be were among them. Thomas H. Laine facetiously called these clergymen "long tails."

When Mr. Saxe was in college the Archanians had a room on the south side of the brick college. The Rhizomians' room was on the north. This Mr. Saxe believed fairly illustrates the difference in point of view between the two societies. Most of the Archanians were devoted to the fortunes of the South and most of the Rhizomians were opposed to slavery. As the years went on Rhizomians rallied to the emblem of the fence rail and Lincoln. Thomas H. Laine used to relate to his legal friends how he declined to walk in a procession to get his master's degree at Cook's Grove, in which a fence rail was carried. Laine declared that he did not believe this partisan feature should have been introduced. Many of the students followed Laine. The Rhizomians held that Lincoln stood for the country and the flag, and during the entire war they were his ardent supporters.

Laine received his master's degree at the same time that John W. Owen received his. Owen spoke on "The Coming Age." Laine's subject was "History." That essay in Laine's own hand is now in a folder containing several original essays and orations by him, possess-

ed by his daughter, Mrs. W. A. Johnston. In his folder are also the notes of his speech made on the occasion of Dr. Bannister's death in 1871.

When Laine received his master's degree the program shows that Gustavus C. Doane delivered an oration partly in Latin and partly in English on "The Laurels of Learning." After Laine finished his address great was the enthusiasm of the audience. In those days it was customary to throw bouquets at speakers. "Grandma" Bascome was present, and she was delighted with the young man's address. She had no bouquet of garden flowers to throw and so she took off her bonnet, which was made of artificial flowers and hurled it at the speaker's feet. Campbell M. Kincaid spoke on "Anglo-Saxon Mind." E. Erastus Squires gave a literary oration. F. C. Braly wrote on "Power of Ideas." A. Ehle Pomeroy gave an oration on the "Mission of the California Scholar."

The commencement which began stormily ended with the tranquil bestowal of scholastic honors.

As an emblem the Rhizomians chose an eagle. One of the members, John Kenyon, lived and died a farmer in Santa Clara, but he was a man of fine literary taste. He was also by nature an orator. His ambition as a speaker was interfered with by an unfortunate impediment in his speech. He wrote the popular song "Old Rhizomia Booms," while at a picnic arranged by him and Irving Herrington at Capitola. While he was seated on the edge of a cliff Kenyon scribbled the song on a scrap of paper. It took him about an hour. Just as he finished it a rattlesnake crept out of a squirrel hole and sounded its uncanny alarm. Kenyon fled, and a breeze carried away the paper.

The boys killed the snake and Herrington asked Kenyon to rewrite the song. Kenyon said that he could not do it. Then they went down to the beach and found the scrap of paper. The song begins this way:

"Mine eyes have seen the glory of
the death of Alpha Phi,
Mine ears have heard the groaning of
of the leather-lunked Archi.
Mine pen shall tell the story of the
Eagle in the sky.
That old Rhizomia Booms."

"Rhizomia Booms" is probably the best of all the songs at the University of the Pacific and it ranks high as a college song.

As the years passed the Rhizomians no longer had a monopoly of the clergymen. They reacted from their austere beginning and took on a more fun-loving character. The Archanians have grown graver and graver, and the two societies dwell together in rivalry but in peace. Oftener they work together in organizing entertainments.

Like the Archanian Society, the Rhizomians lost all their records and valuable papers when West Hall burned.

These two men's societies reigned supreme at the college left San Jose. In the early years only one Greek letter fraternity entered to break their sway. One was the Phi Kappa Psi, which was introduced through the influence of Dr. Breyfogle in 1881. During the unfortunate time under Dr. Hirst when the senior class left in a body and entered Stanford this fraternity lost its charter. That

was the end of the Greek letter fraternities at the University of the Pacific.

Among the members of the Phi Kappi Psi were: James W. Rea, who was also a Rhizomian; Edwin Wilcox, Judge Beasly, D. H. Blake of Japan, A. H. Barnhisel, W. S. Clayton, Smauel Tompkins, John A. Fairchild, Marshall Hale, Reuben Hale, J. Stow Ballard of San Francisco, Rev. Mr. Bennett, L. L. Bennett of Fresno and J. T. Murphy of Seattle.

336. ROMANCES AT OLD UNIVERSITY OF PACIFIC

Mrs. Herman A. Saxe of the class of 1862 of the University of the Pacific once chatted with me of the romances of the early student days in Santa Clara. Mrs. Saxe was Miss Flora Jane Daniel, daughter of Rev. John Daniel. Mr. Daniel was one of those M Methodist ministers affectionately called "Father." Mrs. Saxe knew as well as any one living the life of the University in the beginning. She thought that co-education was better than having the students' mental energy went into violation of the rules separating the sexes.

Mrs. Saxe told me that in the late fifties and the early sixties the young ladies from the seminary came from all over the State. Many of their parents were in the mines and had plenty of money. They were not supposed to indulge in flirtation, but in spite of the fact that every Sunday they were marched to church between two teachers, and enjoined to look neither to the right nor to the left, there was always a wireless connection between the seminary and Brick College. The boys and girls managed to be acquainted in spite of regulations. They used to write letters to each other and manage in some way to become engaged. A number of marriages result-

ed from propinquity of the two institutions. There was one elopement with a horse and buggy. The principal of the seminary telegraphed the parents of the elopers that the young people had gone. Back came the message from the parents: "Bring them back and marry them." This was done, and they lived happily ever afterward.

To Mrs. Saxe how the young people came to meet was not so great a mystery as to others. She knew because the young ladies were allowed to visit only at the house of "Father" and Mrs. Daniels. Father Daniels was the minister. Surely young ladies were safe from Cupid in the house of the minister. So they might have been but for the fact that the minister's house had become a postoffice for the seminary. Flora Daniel was a student at the seminary. She went from the closed school into the outer world daily. And she could not resist the appeal of her friends when she went home to her father's house to carry one little note to a certain young student at the Brink College. Then when she had carried the note, of course she couldn't help carrying one back in return. Soon she found herself the letter carrier for the seminary. She made purchases of sweets, pies and pickles for the seminary girls for their midnight feasts.

Best of all were Miss Daniels' parties. Only to her home were the seminary girls allowed to go unchaperoned. Soon the young men found this out. Father Daniels' residence became the most popular place in town for the college students. Here they met and wooed in secret. This the teachers and those in authority never knew. It is being told for the first time now that all of the teachers and most of the lovers are in their grave.

However, it is not for lack of vigilance that the

teachers were deceived. They simply could not conceive that anything subversive of authority could go on at the house of the pastor. They found out, for example, about the hole in the wall which was being used as a letter box. Mrs. Phillips, head of the seminary, discovered it, and so, when Cheney Doan of the Brick College came to the letter box or hole in the wall to leave the letter for his sweetheart, imagine his consternation when it was received by Mrs. Phillips, the principal, who had disguised herself as the student. Neither of the pair was allowed to stay in the school. Doan went east and into the army. After the civil war was over he became a regular army officer. He died only a few years ago. His parents used to live near the present site of Agnews. They moved to Contra Costa County.

A dozen matches came about from the old days at the seminary and the "Brick College." Among them was the union of Mr. and Mrs. Robert Widney of Los Angeles. Mrs. Widney was Mary Barnes. Cyrus Arnold married Miss Buddington. There were several Buddington girls, and they were several the "Buds." Professor Frambes married Lizzie Stevens. Professor Shuck also married Miss Angie Young.

Mr. and Mrs. Saxe themselves met at Santa Clara in those days. They both were in the choir of the Methodist Church.

Both Mr. and Mrs. Saxe passed their lives as educators. Mrs. Saxe studied music under Professors Schuck and Lawrey at the university and for many years in San Jose Mrs. Saxe taught music. Her pupils are everywhere.

337. PROMINENT ALUMNI OF UNIVERSITY OF PACIFIC

Among the men best known in California who have studied at the University of the Pacific are Judge John E. Richards, Judge

Gosbey and Judge William Beasley. Other men prominent in the legal world are Judge Benson of Oregon, Judge William McNary of Tucson, Ariz.; Judge Campbell M. Kincaid of Colfax, Wash.; Judge J. R. Welch, Judge Earl C. Bronough of Portland, the late Judge J. G. Swinnerton of Stockton and the late Judge Charles Sideat of Los Angeles.

Other conspicuous men were the late Milus H. Gay, son-in-law of President Sine; A. E. Pomeroy of Los Angeles, Professor Bland of the Normal School, Congressman Needham of Southern California, W. S. Clayton, Charles T. Boots, Marshal Hale, Arthur Free, Reuben Hale, Chauncey H. Dunn, Rev. C. E. Winning of San Francisco, Senator Samuel C. Evans of Riverside, Professor Clarke B. Whittier of Stanford, Dr. G. E. Manning of San Francisco, Dr. W. W. Guth, formerly president of the College of the Pacific, Edwin Wilcox of San Jose, United States Consul Zuck of Tiensin, Rev. Joseph H. Wytthe, W. H. Johnston of San Jose, Professor F. W. Blackmer of the Kansas State University, Arthur H. Barnheisal and D. H. Blacke.

Among the women best known in the community are the late Mrs. Lulu Blanchard, Mrs. Lucy Higgins of Santa Clara, Mrs. Mary Smith Brooke of Sacramento, the only survivor of the first class. Mrs. Brooke is the aunt of Judge Gosbey.

Among the students and graduates no longer in life are: Mrs. J. H. Braley of Los Angeles, Mrs. Julia E. Lard Woodhams, Mrs. Albertina French Cory, Mrs. Jennie Aram Pomeroy, Mrs. Alice Spring Sage of Saratoga, Mrs. Lulu Fitch Herold, Mrs. Clara Kennedy Bray, daughter of J. B. Kennedy; Mrs. Emilt Rogers. Colombet, Mrs. Mary Hertel Tantau, Mrs. Sara West Connor, daughter of a man who used to own a line of steamboats between Alviso and San Francisco; Mrs. C. C.

Morse, Judge R. M. Widney of Los Angeles, Dr. Joseph P. Widney of Los Angeles, Dr. Joseph P. Widney of Los Angeles and Lizzie Widney Leggett of San Francisco. One of the members of the student body of the university to distinguish himself is Charles B. Henderson, who was United States Senator from Nevada.

338. WOMEN'S SOCIETIES AT UNIVERSITY OF PACIFIC

First of all the women's college societies to come into existence in California was the Emendian at the University of the Pacific. Although it is a woman's society there is no secret about its birthday. It was born November 12, 1858. The purpose of the organization was to bring together all those especially interested in literature. Emendia was organized by Miss Mary Thomas. Of all the charter members the only one met by me was the late Mrs. Lucy Higgins of Santa Clara. Mrs. Higgins was only a little girl in the academical department of the university in 1858, but she was a great favorite with the other girls, and so she was always taken into their organizations. Mrs. Herman Saxe, who was older but who was at the university at the same time as Mrs. Higgins, told me of her lovely voice and how delightfully she sang "Buy a Broom?"

The name Emendia means "From the beginning." The motto of the organization is "Nulla dies sine linea." The Emendians lost many valuable papers when West Hall burned.

The second society of importance and long life to be formed by the women of the University of the Pacific was the Sopholechtia, or the "wisdom gathers," as they were called by Prof. J. N. Martin. Their motto was "Ad summum per sapientiam." They came into existence in 1881. The first president was Miss Susie Gober a

sister of Dr. Gober of Los Gatos. She is now dead, but in life she was Mrs. E. R. Taylor of Oakland. Miss Cora Laine, now Mrs. W. A. Johnston, was one of the charter members of Sopholechtia. She says that in the beginning the purpose of the society was social as well as literary, and that one could belong both to Emendia and Sopholechtia. An interesting entertainment was given each week. The Sopholechtians introduced the custom of wearing class pins.

Among the early members of the society were Miss Nellie Jones, who became Mrs. Samuel Tompkins; Miss Edith Wilcox later Mrs. Williams Beasly; Miss Percy Harris; Miss Ella Glendenning of Santa Clara; Miss Grace Huggins, later Mrs. Branbaugh of Portland; Miss Edith Corey who became Mrs. Will Alexander; Ruth Turner, later Mrs. Elsey of San Francisco; Miss Addie Crawford, who became the wife of Fred Hall of Palo Alto; Miss Nellie Boots, Miss Maggie Wheeler and Miss Trella Flotz, all three of whom are dead.

The only Greek letter sorority that ever came to the University of the Pacific was the Kappa Alpha Theta. It was introduced in 1889. Among its members were the Misses Mable Urmy, Evadne M. Hunkins, L. May Johnston, Sarah A. Whitehurst, Susie M. Kingsbury, Elizabeth L. Boardman and Eujeanne C. Landstrom. When under the regime of Dr. Hirst the entire senior class withdrew from the university class withdrew from the university and went to Stanford as an act of protest against the dismissal of certain well loved professors, the Kappa Alpha Thata was transferred from the University of the Pacific to Stanford. The same chapter is there in existence.

Among the more recent societies for girls at the College of the Pacific are Philomusia and Athenaea.

339. FIRST NORMAL SCHOOL

PART I

At Monterey was established in 1834 the first normal school in California. Jose Mariano Romero was its founder. He was one of the half dozen Spanish colonists who came as teachers in 1834. Few remained, for there was not a great field for professional men in California. However, Senor Romero took up his residence at the Capital and founded his somewhat pretentious "normal school." He published a book on orthology and dedicated it to the alumni of his school. This book is in the Bancroft Library.

California was a little ahead of the United States in the matter of normal schools. Not till 1839 did the United States catch up. In that year at Lixington, Mass., was established the first normal school in the United States.

The next step in progress in normal schools in California was when through the efforts of Andrew J. Moulder, John Swett and Henry B. Janes a City Normal School was established in San Francisco in 1857. George W. Minns was principal and John Swett, Ellis, H. Holmes and Thomas S. Myrick were assistants. This was called the Minns Evening Normal School. The sessions of the school were held weekly, on Monday evenings, and teachers were compelled to attend. This school was continued till 1862, when its graduates numbered 54.

In 1859 State Superintendent Moulder recommended the establishment of a State Normal School, but he got no action from two Legislatures. This was not strange, in view of the fact that several of the legislators confessed that they did not know what a normal school was. In time, however, legislators learned not only the meaning of the institution but its value. In 1864 the Legislature passed

a bill providing for a State Normal School and appropriated \$3000 for its support for five months.

It was decided to place the normal school at San Francisco.

The normal school took up its quarters in a vacant room in the High School Building. Apira Holmes was the principal. The number of pupils the first term was limited to 60, but the first day only six presented themselves for instruction. They were Frank J. Randle, San Francisco; Nellie Hart, San Francisco; P. Augustus Fink, San Francisco; Emily L. Hill, San Francisco; Emily L. Hill, San Francisco; Ellen Grant, Nevada County; Ellen S. Baldwin, Contra Costa County.

The number of the students increased till at the close of the term there were 31 students. Many of these were reported to be deficient in the rudiments of common school branches as well as in intellectual vigor. They were also irregular in attendance, and were admitted on probation. In spite of discouragements the second year appropriations were doubled. The years 1863 and 1864 were critical for the normal school. Attendance fell off, the new classrooms were gloomy and rickety. Whether the institution could survive was in doubt.

The pupils held a council to see what to do. They decided to remain in the school. From that day the normal went on to prosperity.

340. NORMAL SCHOOL COMES TO SAN JOSE PART II

From the beginning San Francisco was considered only a temporary home for the Normal School. As soon as the institut-

ion took root the board of trustees appointed a committee to consider the matter. Oakland, Berkeley, Stockton, San Francisco, Sacramento, Napa, Martinez, and San Jose immediately began pressing their claims. State Superintendent Fitzgerald, Dr. Lucky and others favored San Jose not only because of its climate and accessibility, but because they believed that State institutions should be equally distributed.

San Jose did astute politics in order to obtain the Normal School. The city gave a big party to Normal trustees, the faculty, the pupils and members of the press. A railway train was supplied. At the Auzerais House a banquet was given, and the guests then visited the convent, the courthouse and Washington Square. One of the graduates of the class of 1870 afterwards wrote in her reminiscences that the hospitality of San Jose on this occasion undoubtedly had much to do with the final location of the Normal School.

In March, 1870, the question was settled by the Legislature, San Jose was named as the first permanent home of the Normal School.

The State was most liberal with San Jose, The Legislature asked of the city only a suitable building site for the institution, the land to revert to the city of San Jose in the event of the school being removed. Washington Square was chosen as the best site. In the East when a Normal School elected to take up its abode the city was required to erect the buildings. No such demand was made of San Jose, The State gave the buildings.

Three San Joseans were named by Governor Haight as members of the board of trustees. They were C. T. Ryland, J. H. Bray and T. Ellard Beans. The cornerstone of the first Normal School build-

ing was laid October 25, 1870, in the presence of a large concourse of people. The first term began March 14, 1871. Until a new building was ready for occupation rooms use of the students were furnished by the board of education first in the high school in Santa Clara Street, and then in the Reed Street building.

In that first class was the poet, Edwin Markham, or Charles E. Markham, as he was called in those days. In his recollections of that class he wrote that Dr. Lucky was principal, Professor H. D. Carlton, vice-principal, Miss Eliza W. Houghton, Mrs. Dorcas Clark and others were assistants. Of the students of that time he recalls with Pleasure the picturesque Miss Chattie K. Rixon, the lovely and graceful Emily Hilton, and the charming Miss Eulalia A. Terry. Mr. Markham says that the young men had a literary and debating society presided over by Dr. Lucky. Visitors and reporters were always present. Dr. Lucky gave a morning lecture on teaching. Mr. Carlton is spoken of by Mr. Markham as an inspiring teacher. His favorite quotation seemed to be that one from Kant, "Two things are sublime--conscience and the stars." Miss Houghton he remembers as one who knew the flowers and the fields.

341. SANTA CLARA VALLEY'S GREATEST SOCIAL EVENT

About 45 years ago on the 19th of July Mr. and Mrs. Martin Murphy celebrated their golden wedding at their Bay View ranch, near Mountain View. It was the greatest social event that ever took place in the county and probably in the State. With the lavish hospitality of the olden golden days, Mr. and Mrs. Murphy generously, publicly invited all their friends to come. They came until there were 5000 to wish well the Murphys and to share their feast.

As early as 8 O'clock the Mountain View Road was crowded with horsemen and vehicles of every description all on their way to the party. Excursion trains arrived from San Jose and San Francisco. Parkman's band of eight pieces came early. Courts in San Francisco adjourned for the day so that the judges could journey to Mountain View. All the old Dons of the neighborhood brought out their best raiment and went to the feast. Old California was once more alive. There was Secundino Robles, Maximo Martinez, the Mariano Castros, the Briones, the Arguellos, the Malarins, the Moses Schallenbergers and the John Sullivans of San Francisco. Schallenberger and Sullivan came to California in 1844 with the Murphys. John Sullivan is the grandfather of Miss Ada Sullivan, who is in the Carmelite monastery at Santa Clara.

The wedding celebration took place in a vast oak grove not far from the Murphy residence. Here John Gash, the architect, erected a dancing platform. Nearby were hundreds of feet of tables. Isaac Branham, the pioneer, took charge of the barbecue, and never was there such a barbecue. Mr. Branham was assisted by butchers, carvers and cooks. He barbecued seven beeves, 14 sheep and ten large hogs. From San Jose came a wagon load of hams, headcheese, sausage and chickens, bread and cake. There were 500 gallons of coffee, 15 half-barrels of beer, a car load of wines and liquors and a hogshead of lemonade.

The festivities began by the band serenading Mr. and Mrs. Murphy at the residence. They were then escorted to the reception platform, where they stood under a huge bell and received the congratulations of the throng.

At noon a thousand guests at a time sat down at the

table and were served with their host and hostess. A poem in honor of the occasion, written by their cousin, Sister Annie Fitzgerald of Notre Dame, was then read by a young boy. J. J. Owen. Peter Donahue and C. T. Ryland made appropriate after-dinner talks. James T. Murphy the youngest son of Mr. and Mrs. Murphy, recited an original poem.

All day and far into the night the festivities continued. Not till the next morning was there once more country quiet at the ranch.

In the 36 years that have passed since that great social occasion Mr. and Mrs. Murphy and all of the pioneers have died. Only one of Mr. and Mrs. Murphy's children is still living, Mrs. Richard Carroll. Not long since I visited the old Murphy home at Sunnyvale and was fortunate enough to find Mrs. Carroll.

Much of her time is there passed with her son and her nephew. The 5000 acres of the old Mariano Castro Rancho Pastoria de las Borregas (the sheep pasture) have dwindled to ten acres bearing the name of the "Bay View Ranch." Murphy's station is no more. Sunnyvale has taken its place. Village bungalows dot the great park where took place the barbecue. However, there still remains the timber to which was hung the wedding bell of the blushing bride and groom of that golden wedding of 36 years ago.

Mrs. Carroll says that she does not know how her father and mother ever managed to entertain that great gathering, but in the old times entertaining was easier than today. We chatted of the time when her father and mother crossed the plains with Martin Murphy, the first, in the year 1844. To her it is a very familiar story though she was not yet born. It is all a part of the family tradition.

Mrs. Carroll's sister, Mrs. Taafe, was the first child born to English speaking parents in California. She was born near the Yuba River. When the party proceeded on its way Mrs. Martin Murphy Jr., was carrying her baby. The blanket in which the baby was being held slipped and the baby fell into the Yuba river. By a miracle she was uninjured. The travelers declared that the baby had been christened Yuba, and so, she was called Elizabeth Yuba Murphy.

A brother of Mrs. Carroll, especially popular among San Joseans, was Bernard D. Murphy, who is often spoken of as the sage of Santa Clara County. Friends in trouble always went to him. They never failed to receive sympathy and advice. When Bernard D. Murphy died it is said that he left notes which showed that he had lent unsecured to friends at different times sums amounting to \$1000,000. Several times Bernard D. Murphy was elected Mayor of San Jose. Another of Mrs. Carroll's brothers was Senator Patrick W. Murphy, who in his life time was the owner of the great Santa Margarita Rancho, near San Luis Obispo.

Mrs. Carroll related to me a story of her mother's experience in the early days with the Indians near Sacramento. That was where Martin Murphy Jr. first settled. Most of the Murphy men on the ranch were taken away by Fremont to go to the war so that Mrs. Murphy was alone with her children. One of the white men and an altercation with the Indians and shot the chief. Mrs. Murphy was in terrible distress and was lamenting; she knew the danger of reprisals. So did the wife of the dead chief. She knew it would be a life for a life. A white life for a red. So she came and wrapping her blanket around her lay on the floor all the night in order to save the white

woman whose language she spoke not, but fears and heart she understood. That is why Mrs. Murphy was always fond of the Indians. When the Murphys came to the Bay view Ranch there was a rancheria of Indians. They were fed by the family.

The Martin Murphy home is of especial interest historically because it is one of the oldest of the houses standing in the Santa Clara Valley. It is probably the oldest that came around the Horn. When Mr. Murphy moved from Sacramento County he had this house erected in 1849. All Mrs. Carroll's life has been here passed. Even today the house is large and spacious, without seeming cheerless. It is the largest of the Horn houses.

The Bay View ranch house contains several art treasures. I noticed a lovely picture of the Virgin in a tortoise shell frame, a gift from Father Nobil. An exquisite old piano has mother of pearl keys and is inlaid with mother of pearl. The most beautiful painting on the wall is a shadowy picture of Santa Margarita. It was given Senator P. W. Murphy of the Santa Margarita ranch, near San Luis Obispo. This ranch house should be a Sunnyvale museum.

342. "CZAR" REED IN SAN JOSE

During the sixties the late Thomas Reed, Speaker of the House of Representatives, sometimes known as "Czar" Reed, lived in San Jose. He taught school at Alviso in the old schoolhouse, which was later burned, near the site of the present building. He studied law in the office of the late Judge S. O. Houghton of San Jose, who himself later became a congressman.

Very little that is authentic can be obtained concerning Thomas Reed's life in San Jose. Rumor has it that disappoint-

ment in an early romance drove him to California and that revived hopes enticed him back to Maine. The late Mrs. S. O. Houghton, widow of Judge Houghton, wrote me that she did not know when Mr. Reed was admitted to the bar.

However, Mr. Delphin M. Delmas of Los Angeles, who used to be the leader of the bar in San Jose, wrote me that although he had no recollection of Mr. Reed, the following incident concerning him was related to him by the late Judge William T. Wallace. At one time Judge Wallace was chairman of the committee which examined applicants for admission to practice law. Judge Wallace told Mr. Delmas that on one occasion there appeared before him for examination Mr. Reed, who was always a pronounced Republican, and Thoman Bodley, who was a Southern Democrat. The question of the constitutionality of the legal tender act was then being strongly debated. Lawyers took conflicting views of the matter. Wallace asked the applicants whether they considered the act constitutional or unconstitutional.

"Constitutional," promptly said Reed.

"Unconstitutional," replied Bodley, with equal promptness.

"You will both be recommended for admission," said Judge Wallace. "Young men who can so readily solve a question which puzzles the ablest lawyers and courts ought not to be kept from practice."

At the courthouse I could find no record of when Reed was admitted to the bar or even that he did practice law. But when Thomas Reed, in his later years, came back to make a political speech in San Jose he told Attorney J. C. Black that he practiced for the

first time in Judge Senter's court.

Mrs. Houghton wrote me that Mr. Reed came to San Jose either the year 1863 or '64. "Reed's coming to San Jose," said Mrs. Houghton, "followed a little talk between Judge Ogden Hoffman of the United States District Court in San Francisco and Colonel Houghton. (Between court sessions.) The judge had invited my husband to his chambers and there had shown him a letter written by Senator Fessenden of Maine begging the judge's kind interest in his young friend and townsman, Thomas Reed, who hoped to find employment in the growing cities of California. The judge asked help in opening a way for the young stranger. Reed came into my husband's office to do clerical work. I saw him there frequently. He was very retiring, industrious and he rendered excellent service. His manner was shy, almost awkward. His keen blue eyes, very light hair, florid complexion and chubby face attracted attention. His peculiar little New England twang and thin and highpitched voice were unforgettable.

When he had been in the office several months my husband handed him some papers, saying, 'Reed, here is a case in the Justice's Court for you. Go ahead and win it.'

When the time set for the trial came, Reed said that he could not do it and refused to appear, but he was permitted no choice and trembling he gathered up the papers which he had so carefully prepared, as he had supposed for my husband's use, and left the room.

Later in the day he reappeared happy. He had tried his first case, won it and had earned his first fee as a lawyer. His courtroom timidity and the fear of the sound of his own voice were gone, never to return. My husband and he became life-long friends,

and he often spoke appreciatively of the year he spent in San Jose, and the trial of the first case which seemed to awaken some of the slumbering forces within him and to start him on his brilliant career. In later time it was his pleasure to send his card to my husband while Colonel Houghton was Representative in Congress and to appear with him as his guest on the floor of the House."

Mrs. Houghton wrote me that after Mr. Reed left San Jose he taught school in Stockton. She had no clear memory of his teaching in Alviso, but I found a number of his pupils. Among them is Mayor Peter Martin, who was chastised by Mr. Reed for pulling the dress of Mrs. Leach, now matron at the City Prison, who went to school at Alviso. The school was ungraded.

Miss Lucy Ortley, bookkeeper for Hubbard and Carmichael, recalls "Czar" Reed because she began going to school at the age of 3. She was a delicate child, and desired to be with her older sisters. Her teachers and parents allowed her in play to go into the classrooms. Little Lucy thought that she was really learning.

When "Czar" Reed came, she tells me, that all this changed. Miss Ortley says that the "Czar" explained to her that it was time for her to begin real study. She was 6 years old, and so he sent her back to the first grade, where she belonged. Little Lucy Ortley never forgot this demotion.

Another person in San Jose recalls Speaker Reed. This is E. C. Munn, for a number of years superintendent of Alum Rock Park.

Several times Mr. Munn drove Mr. Reed and Judge Frank Spencer, and father of Mrs. Covington Hall, on fishing trips to Alum Rock Park. Several times Mr. Munn drove Mr. Reed and Judge Frank Spencer,

and father of Mrs. Covington Hall, on fishing trips to Alum Rock Park and Los Gatos Creek. Spencer was a young lawyer in those years, who afterwards became a leader of the bar in San Jose. Both he and Reed were fond of fishing and the stream at Alum Rock Park furnished the best trout. Mr. Munn says that on their journeys to Alum Rock Park Mr. Reed became keenly interested in the "meteor." From it he took some specimens and carried them to Rev. L. Hamilton, who lived here at the time and who was interested in geology. Mr. Hamilton told Mr. Reed that this was not a meteor, it was only iron.

Mr. Munn says that Mr. Reed, as a youth, was tall and slender and did not weigh more than 140 or 150 pounds. He was fond of reading and always carried a book. He says, too, that Mr. Reed gave readings and took part at debates in the county lyceums and the schoolhouse club entertainments, which in those days furnished much social life and amusement. Mr. Munn declared that Reed often spoke of the East, and so he was not surprised when Reed went back.

When Thomas Reed returned to San Jose a famous man he spoke to a large audience in the Garden City Theater. Among other things he said, "I recall when first I made political speeches in San Jose the audience was not so large as it is now."

J. C. Black was one of the reception committee to entertain Mr. Reed in San Jose. Among other places, he took him to the Goozens dryer. One lady of the party tried to persuade the Speaker, now grown stout, to stand on the scales and be weighed. Reed's reply was:

"Madam, some people are not so fussy about getting on the scaled every day to be weighed".

343. FIRST GLOVE CUTTERS

Gloves were first manufactured in San Jose about the year 1875 by a Frenchman, T. C. Aroud in the store of the late Lazard Lion. Aroud was a glove cutter who brought with him from France his tools and a dozen kid skins. One day he went to Mr. Lion and asked if the might have a little counter in the rear of the dry goods store where he could make gloves to order.

Mr. Lion gave his permission and soon Aroud sold his supply of skins made into gloves. Then he was obliged to buy buckskin for workers' gloves, but he was a stranger and he had neither credit or money. Mr. Lion obtained for Aroud credit to the amount of \$100 with Mr. Hellwig, a tanner.

The glove cutter went on with his work. Soon the merchant noticed that many people were having gloves made and paying for them from \$1 to \$2 a pair. Aroud made buckskin gloves for workmen and kid gloves with gauntlets for ladies. One glove was called the Golden Star. It was a woman's driving glove. It had a four-inch gauntlet. It obtained considerable vogue.

Finally Mr. Lion decided to form a partnership with Mr. Aroud. Their office was in the Music Hall Building and the business went forward with much rapidity. Men drove about the country taking orders for gloves. One man had a horse and buggy and went through the interior getting orders from the country people. He traveled as far as Kansas. People were so well pleased with the gloves that they refilled their orders at their local harness stores. In this manner through mail orders thousands of pairs were sold.

Lion and Aroud soon found that they couldn't make

gloves fast enough, although they had 150 women sewing. Finally they had many manufactured in the East. Great orders were placed with Litauer of Gloversville, father of ex-Congressman Litauer.

The firm was a great success and would have so continued had not Aroud become dissatisfied with his profits. The late Gus Lion told me that Aroud was drawing \$250 a month salary besides his portion of the profits when he presented a claim for fifteen or twenty thousand dollars and asked for a receivership.

Long litigation followed. That litigation was the death of the glove company. After a long time in court Aroud was given \$750 which was taken by his lawyers. Mr. Lion lost \$75, 000 by the venture.

344. SAN JOSE IN THE CIVIL WAR

Miniature war was fought in San Jose all during the Civil War. There were many southerners in San Jose, full of loyalty to their cause, to the South, and the northerners were equally ardent. Their feeling was better expressed because the editor of the Mercury J. J. Owen, was an extreme abolitionist and could write for them.

Mr. Owen opposed separate schools for the negroes, and after Lincoln was assassinated, in the columns of his paper, he advocated hanging Jefferson Davis and General Lee. He strongly opposed Horace Greeley's plan of pardon of all rebels.

Some young Southerners, in their desire to help the rebels, held up a stage and took the bullion, not realizing the impossibility of sending bullion to the South. Officers and possess made short work of them. One was shot in the Willows before he was able to surrender. Some prominent Southerners, one a Bible class teacher,

in addition the Cross boys and the Freers were taken up to Placerville for trial, but they were not punished.

From the many southern sympathizers in San Jose I gathered the impression that the Southerners believed that they were unjustly treated by the Northerners. They felt that freedom of speech was restrained, if not abolished.

"Hurrah for Jeff," any time would start an argument, if not riot.

"I didn't mean Jeff Davis," explained a Southerner, surrounded by angry Northerners. "I meant Jefferson, the milk man." In San Jose at that time George Jefferson sold milk.

On the other hand, I am told that one of the Southerners ran up the confederate flag on property owned by a Northerner. The tenant was told to raise the United States flag or leave the property. The American flag rose.

The Abolitionists in San Jose were somewhat extreme in their attitude. They said that they had no objection to have their daughters marry negroes. Some of them even went so far as to go to colored balls and allow their daughters to dance with negroes. Among the Southerners this was considered monstrous, and it was not popular even among the Northerners.

At the time of the war there was the Bull Run Saloon in San Jose and here took place many arguments and fist fights. The What Cheer house at the corner of San Fernando and Second Streets was much friction.

However, it was not alone in saloons, but in churches that hostility was shown. Many Missourians belonged to the Methodist

Church South, the first southern Methodist Church wholly built and dedicated in California. Although the name "South" had been adopted by the Methodists of the slave states many years before the war began, now it gave new offense. It was said by Southerners that even the South Pole was guilty of treason.

The tale Mrs. Bodley, widow of District Attorney Bodley, said that at times it was rumored that the Abolitionists were going to tear down the Methodist Church, South, which stood at Second and San Fernando Streets. Mrs. Bodley said that her husband sat up one night to guard the church.

In a book called "Southern Methodism on the Pacific Coast," written by J. C. Simmons, I found on page 324 the following statement: "Near San Jose we had a neat little church building, the fruits of a May camp meeting in the neighborhood in 1859. Some time after the erection of the church the M. E. Church put up a building a few yards south of ours. When the Vacaville Methodist College was burned it was thought by many that the time had come to drive us as a body from the State, and a plan was laid for the burning of our church. An enemy was hired to do the work, and he was furnished with instructions to go out into the Berryessa neighborhood and burn the "South" church. He happened to know but little of church differences, and so he went and fired the church that was on the south, which burned to the ground, while ours escaped."

An example of the feeling shown at the time was the treatment accorded the Southern Bishop. Kavanaugh, who came to California to attend the Southern Methodist Conference and to ordain preachers. No sooner was the bishop in California than he was called the

recruiting officer of Jefferson Davis. Some stages were robbed while he was in California, and he says in a letter to a friend that it was intimated that he robbed them and sent the money to the Southern army.

General McDowell sent an officer. Captain Jackson, 130 miles to arrest Bishop Kavanaugh while he was at a camp meeting at Copperolis and to bring him before General Mason, the Provost Marshal of San Francisco. The bishop was searched and his luggage was taken from him, but when it was clear that he was not a recruiting officer he was allowed to come to San Jose on parole to preach.

The bishop often related an incident that happened while he was preaching in San Jose directly after he left San Francisco. Two gamblers, one a Northerner, the other a Southerner, made a bet on the bishop as a preacher. The Southerner, of course, wagered that the bishop could preach better than a famous Northern clergyman. In the morning the gamblers went to listen to the Northerner. In the evening they heard the bishop. During the most eloquent part of his sermon, the bishop was amazed and horrified to see a raw-boned Kentucky mountaineer rise in the rear of the church, wave his hat and shout, "Hurrah for old Kaintuck." As the bishop was still under arrest as an agent of Jefferson Davis he afterwards declared that it was the least appreciated compliment ever received by him. In a few days, while in San Jose, he received what he lightly described his "free" papers. He was allowed to go where he pleased in California without reporting to the military authorities.

Some Southerners went from San Jose to join the Southern army, but they were obliged to leave in the night, so great was their fear of violence. Major Pico, son of Antonio Maria Pico, raised

a company of soldiers of Spanish Californians and offered them to the North. He drilled them carefully, but their services were never required.

San Jose sent a company of volunteers to serve under Colton in Southern California and New Mexico. Among the number was Sergeant S. C. Thomas, Thomas Marshall, E. J. Maston, Samuel B. Jacobs and Louis Glendenning. They served four years, fighting the Indians. According to the account published in the Mercury, November 3, 1864, they had an unhappy experience. No provision was made for their return home. They were obliged to walk 240 miles to Los Angeles and left to starve without them home. Peace and welcome to the San Jose volunteers of the Civil War.

When Lincoln was assassinated, Peter Quivey, a hot-headed pioneer, was reported to have declared that he was glad of it. He was arrested and sent to Alcatraz. San Jose was in a fighting heat, and there would undoubtedly have been a local civil war had not Mr. Quivey been promptly returned to San Jose.

The greatness of Lincoln was shown by the confidence and affection inspired by him even in the Southerners. Mrs. Bodley told me that the Southerners in San Jose were deeply touched when Lincoln died, and they resented the Northern imputation that they were pleased. The day of Lincoln's funeral, northern houses were draped in black. When the procession passed the Methodist Church, South, Mrs. Bodley and another sexton, climbed into the church through a window and themselves tolled the bell.

345. SURVIVORS OF THE BATTLE

From the late Mrs. Mary Harlan Smith, widow of Henry

C. Smith of Livermore, I obtained some firsthand information about the battle of Santa Clara. She was 20 years old when it took place and she was in Santa Clara.

It has always been a reproach spoken against the American men of Santa Clara that they absented themselves from the battle, but Mrs. Smith explained that the reason why they did this was to protect their women folk who were greatly overwrought finding themselves in a strange country, listening to a strange language, with war in the mustard fields.

Mrs. Smith never lived in San Jose. Her only residence in the county was for a few months in the year 1846 at Santa Clara and later at the Mission San Jose, where Mr. Smith had the first store.

When Mrs. Smith arrived in Santa Clara in 1846 she was unmarried and with her parents, Mr. and Mrs. George Harlan who had come from Michigan with a large party of immigrants. Among them were her brothers, Joel, Jacob and Elisha, her sister, Nancy Harlan, and another sister, Rebecca, who had married a Van Gordon.

Mrs. Smith was more than 90 years old when I met her at her home in Livermore. She described her journey from Michigan to California. The trip took six months. The objective point of the Harlan party was San Jose, because Mrs. Smith said at that time San Jose was the largest and most important settlement in Northern California. In the winter of forty-six there were heavy early rains, and so, the men of the party made their way from Sacramento by land. They were obliged to build rafts for taking their cattle and supplies across rivers. With the women of this band of immigrants was Mr. Wood-

ham, who had married Mrs. Smith's cousin and who had fallen ill. Mr. Woodham's illness left Mrs. Smith and her family to rely upon the Indians supplied by Captain Sutter, who rented them his launch for the trip to Santa Clara.

The Sutter launch had sails, but when there was no wind the Indians propelled the boat by oars. The journey from Sacramento to Santa Clara took nine days, but Mrs. Smith said that they did not realize how long the time was because that year the lovely hills were green in October.

Between tides the Harlan party were obliged to stop at Yerba Buena (San Francisco), where Mrs. Smith said there was but one house, a large adobe at which they had dinner. There were a number of shanties at Yerba Buena occupied mostly by Mormons, of whom Samuel Brannan, afterwards a famous character in San Francisco, was the head.

When the Harlan party reached Alviso the men who had come with the cattle had not arrived. The women heard that the Spanish Californians were encamped near Santa Clara, and with no one but Mr. Woodham, the invalid, to protect them they were alarmed. Death was always in their thoughts.

At Alviso they soon found a company of young American marines from an American man-of-war. The men had sympathy for the women, and remained with them till morning. Mrs. Smith said that the matines seemed like angels.

In the night one of the Americans went to Santa Clara to tell the Americans already at the mission that several more immigrants had arrived at Alviso.

In the morning the Americans drove over from Santa Clara in a huge prairies wagon drawn by ox teams to fetch the belongings of the recent arrivals.

Mrs. Smith and her friend went to the mission, where they were given quarters in one of the adobe buildings. They found women, but few men. Most of the men had gone south to fight with Fremont. The American families at the mission were also in a state of fear.

At some distance, but within sight of the mission, was visible at night the camp of the Spanish Californians. Daily an attack was rumored. Daily they were excited by some sild, improbable story.

Like so many of the immigrants Mrs. Harlan, Mrs. Smith's mother, had fallen ill as a result of her journey. Dr. Isabel was busy treating patients. At first Mrs. Harlan refused to go into the mission, but she finally reasoned that she might as well die in one place as in another, and so, she resigned herself to the quarters assigned the party. Mrs. Smith said that their fears were foolish, for they afterwards learned by experience that the Spanish Californians were kind.

However, at that time they seemed barbarous enemies, and in order to calm the fear of Mrs. Harlan and her daughters, two of the Americans, Mr. Dickenson and Mr. Taber, remained all the night with them. A few days later the men of the Harlan party arrived with cattle and provisions. Always there were rumors of bloodshed, but the battle did not occur.

Meanwhile the Americans were being trained by Captain

Weber at San Jose. Mrs. Smith said that Weber intended to attack the Spanish Californians sooner, but he decided not to do so until he obtained reinforcements from San Francisco. When the marines arrived with the cannon the Americans gave battle.

Mrs Smith recalled the excitement. Yound Lard, brother of Mrs. Riley Moutrey, all that night stood on the roof of the mission and kept guard. For his services he afterward received a pension.

At that time there were few buildings in Santa Clara. From the top of the old ruins of the second mission it was easy to view the conflicting forces. Mrs. Smith did not recall that either Americans or Spanish Californians appeared in the streets of Santa Clara previous to the battle, but she still remembered, seeing the two forces charging back and forth in the mustard field. She still heard the sound of musketry and the boom of cannon. In order to cheer the Spanish Californians the fathers rang the mission bells.

Mrs. Smith said that the battle had lasted three or four hours, when the Spanish Californians surrendered. Napoleon Smith received the weapons of the conquered. He brought them into the mission. When the guns were stacked up Mrs. Smith and others realized that the battle was over.

Many accounts have been given of the battle of Santa Clara, but the following is the official report made by Walter Colton in the Californian January 16, 1847, a fortnight after the battle occurred. Mr. Colton was the first editor in California:

"The war on the bay of San Francisco seems to be amicably adjusted between the belligerents. Captain Weber, who was in command of 50 or 60 volunteers, was drawn into Santa Clara by the Calif-

ornians, who were 200 strong. A flag of truce was passed and the leaders on both sides met by appointment. The Californians stated that their object was not to make war on the American flag, but to protect themselves from the depredations of those who under the color of that flag were plundering them of horses, saddles and means of subsistence. All they desired was that the property taken without the authority of the Governor General should be restored; and they on their part would release their prisoners and retire quietly to their homes. These terms, reasonable enough, were acceded to, and the parties dispersed, never we hope to meet again as belligerents. No taking of private property without giving ample receipts will be permitted. by the United States Government, and we entirely mistake the principle of the first Governor General if he will tolerate it for a moment."

346. POSTOFFICES AND POSTMASTERS

PART I

Indians made postoffices of the hills. When they wished to communicate with their friends they built a fire on the highest elevation. That flame conveyed one message, war. When Indians had messages more complex to send they dispatched their fleetest runners and thus, in an incredibly short time, their word arrived. An Indian runner could go about as fast as a horse trots and hold the pace for many hours.

Spanish settlers sent their letters by courier, Indian style. The late Mrs. Louisa Sepulveda Mesa, who was born in San Jose, said that in the thirties and forties, a courier rode to San Francisco, and another to Monterey. Not that there were very many letters written by the pueblo folk. In fact, a letter was a rather an event.

When San Franciscans and Montereyans wished to send

a letter to San Joseans they used the same method. If the courier did not know where to deliver the message he left it with the Alcalde, who immediately sent it to the person to whom it was addressed.

Not till the Americans came to San Jose was there such a thing as a postoffice. In April, 1847, Assistant Quartermaster General J. L. Folsom established a weekly mail between San Francisco and Monterey by way of San Jose. Jacob D. Hoppe was the first postmaster. The office was in his store which first was in a small frame building in South Market Street. Later Hoppe, Hawkins & Co. moved into a handsome new adobe building, the site of Spring's store. The postoffice was in the rear. Mr. Hoppe came to a tragic death when in the early fifties the Steamer Jenny Lind was blown up a little way out of Alviso on its daily journey to San Francisco.

John R. Wilson, V. Staley, Dr. E. A. Clark, and Richard Buckner, afterwards Judge Buckner, were employed by Hoppe as clerks. In pioneer days the postoffice was the meeting place of politicians. Before San Jose became a city Mr. Hoppe was town councilman. He was also a member of the constitutional convention at Monterey. It is said that Mr. Hoppe decided the destiny of San Jose. When he was about to build the new adobe block, taking a 50-cent piece from his pocket he threw it into the air saying: "Heads, San Jose; tails, Santa Clara." It came down heads and the block was built in San Jose. So great was Hoppe's popularity that it is said the entire town would have followed him to Santa Clara.

After Hoppe went out of office the postoffice moved. It would be more accurate to say that it began its tour of the town. Merchants vied with each other to have it near their stores, because

the postoffice always brought trade. Rent of the postoffice was paid largely by private persons. Those most interested in having it nearby contributed to its rent. J. Q. A. Ballou says that once he gave \$100 toward postoffice rent.

John R. Wilson was the second postmaster. He was appointed by President Fillmore in 1851, after Mr. Hoppe resigned. Mr. Wilson also bought Mr. Hoppe's share in the store. Mr. Wilson appointed as deputy postmaster his bookkeeper, S. A. Clark. At the time of Mr. Wilson's appointment postage was 40 cents per one-half ounce, prepayment being optional with the sender. Shortly afterward the pony express was established. This reduced overland postage to ten cents. This reduction so diminished the profits of being postmaster that Mr. Wilson resigned his office and moved to Alviso, where he engaged in the warehouse business. Later he returned to San Jose.

In 1852 Arthur Spears was appointed postmaster, after Mr. Wilson moved the postoffice to a building in Santa Clara Street, where the Auzerais block now stands. At this time there was a monthly overland mail, and a weekly mail from San Francisco and Monterey.

In later time he was County Recorder and City Treasurer. The postoffice was in Santa Clara Street, near the present site of the Rea building.

After Mr. Wilson, came Major John Patrick, formerly of Arkansas. He had been a Mexican war veteran. While the Major was postmaster the postoffice was moved to South First Street opposite Post.

The fourth postmaster was Chas. G. Allen, who was appointed July 1, 1856. He was a politician and he never acted as postmaster. Ralph Lowe was the chief clerk and the real postmaster.

346. POSTOFFICES AND POSTMASTERS PART II

Simon M. Cutler was the first postmaster chosen by the new Republican party. He succeeded General Allen in July, 1861. He moved the postoffice to South Market Street. Mr. Cutler gave up his mercantile business to devote his entire time to the postoffice. Mr. Cutler died in office in 1868, and his brother, James M. Cutler, acted as postmaster till 1869.

Charles G. Thomas, called judge because he had been Justice of the Peace for four terms, was then appointed. Once more the office was moved, this time to South First Street, in what was then the Hester block, but which later became the Tiny block. By this time the business of the office had increased so much that four clerks were employed.

Dr. E. A. Clark was the next postmaster. He was appointed by President Grant in May, 1873. So much had the business of the office increased that Dr. Clark had the postoffice moved to what was then the Hensley block, but which is now the Rea block. There it remained till July, 1888. Dr. Clark was a lawyer as well as a physician. He was also a writer of considerable ability. At various times he was deputy assessor of internal revenue, deputy county recorder and city superintendent of schools. After the expiration of his term of office as postmaster he went into the real estate business. In the spring of 1894 he was the candidate of the Citizens' and People's party for Mayor. He died suddenly a few days before election.

In 1877 President Hayes appointed to fill the office S. B. Anderson, who for ten years had already served as a deputy. However, some of Anderson's political enemies did not like the appointment.

It was shown to the department that part of the expenses of the office were being borne by the merchants in the vicinity of the office. This had long been the custom of the office, but the Government had been unaware of the state of affairs. When it was discovered Mr. Anderson was removed. Mr. Anderson was a prominent Grand Army man. After he left the office he served as bookkeeper of the Golden Gate Fruit Packing Company.

For the remainder of Mr. Anderson's term and during President Arthur's term, Daniel C. Bailey was postmaster. Under Mr. Bailey the free delivery service was established. This involved re-numbering the streets. Mr. Bailey put forth great effort to have this brought about. He was one of the pioneers of 1851. He was the first agent of the San Francisco and San Jose Road and made out the first bill for freight shipped by rail from San Jose. He was engaged with J. S. Carter in the grain business. At a later day he was in the real estate business. At one time he was deputy assessor and at another he was County Recorder.

Samuel H. Wagener was appointed postmaster by President Cleveland. Like most of President Cleveland's appointments it was a disappointment to the politicians. Mr. Wagner in conducting his office did it without regard to politics. He made only changes that were necessary. He moved the postoffice into the new block of Mr. O'Brien, which had been especially built and fitted for the postoffice. By occupation Mr. Wagener was a druggist. At one time he was Mayor of Muskegon, Mich.

President Harrison appointed Dr. Thomas Kelley postmaster in 1890. Dr. Kelley appointed his son, Professor A. M. Kelley,

assistant postmaster and he attended to the details of the office. Civil service rules were extended during the Harrison administration to all free delivery offices. The postmaster followed the custom of his predecessors and made no removals for political beliefs. Dr. Kelley was also Treasury Department for the new postoffice building. For many years Dr. Kelley was a prominent physician in Santa Clara County.

John W. Ryland became postmaster in 1894. Mr. Ryland was educated at the University of Santa Clara and at Hastings Law College. Mr. Ryland entirely reorganized the office and made many improvements in the service.

During Dr. Kelley's term of office the postoffice made its last move. It took possession of the building now occupied by it. During the congressional campaign in 1888 T. J. Clunie promised the people of San Jose that if they would elect him to Congress he would secure the appropriation of the postoffice building for the city. Aided by Senator Hearst and W. W. Markham he obtained an appropriation of \$200,000 for San Jose. The building site cost \$39,454.67. The building cost \$138,852.21. The balance was \$21,693.12.

In 1899 W. G. Hawley was appointed postmaster. He died in office September, 1912. J. R. Chace succeeded Mr. Hawley. Mr. Chace was postmaster about one year, when Byron Millard was appointed by President Wilson. Mr. Millard was succeeded by John R. Chace, who was reappointed.

349. A PIONEER MUSICIAN

The late Sylvester Corson for 12 years played at Brohaska's Opera House. Before he died he talked with me of theatrical days in San Jose. In 1859 he came into California playing a cornet.

He was one of the Emigrant Band who played all the way from Monroe, Wisconsin, to Placerville, Calif.

Many were the adventures of the Emigrant Band. Joyously they set out from their home town, but before they reached their destination they had played the dirge of death.

With Mr. Carson when he left Wisconsin in 1859 was John Ziegler, Fred Tagmeyer, Jed Wilson and Joe Mabbott, all eager for adventure, each with a brass instrument. It was the time of the Pike's Peak excitement. At Council Bluffs they met many people returning from Pike's Peak saying that there was no gold, it was all a humbug. Each musician had \$25, and a man in a schooner wagon said to the Emigrant Band:

"I'm going to California across the plains. Spend your \$25 on flour and bacon. Jump into the wagon and come with me."

It was a great lark they thought suddenly to veer from Colorado to California, and so, they jumped into the wagon and set out across the plains. All the way people heard of the "Emigrant Band" and all the way travelers were charmed by their music.

As the musicians neared Salt Lake they heard the Indians were on the war path. When they approached the Salt Lake cut off they decided not to go through till 40 or 50 wagons made the venture together. When they set out, in the front and in the rear they had lookouts.

One evening when Mr. Corson and his party camped at Rock Springs they went to gather buffalo chips for fuel. They saw in the distance some figures running into a camp. At first the musicians thought that the strangers were Indians. In reality, they were mem-

bers of their own caravan, who had come back to tell them that they had been attacked by Indians, and that several of their number had been killed.

That night each man slept on his gun, instructed by the captain not to shoot unless he saw an Indian. During the night one man emptied his gun at a coyote, which fear magnified into an Indian.

The next day the Emigrant Band passed through the canyon and picked up four or five dead bodies of the travelers. Over the graves of the dead the musicians played a dirge. The music of the brass band the tragic experiences of the party were sounded over the trail and reached Placerville ahead of them.

When they arrived there was great excitement because never before had Placerville possessed a brass band. The first night they played in the hotel \$80 was thrown upon the billiard table. Nearly every evening they had an engagement. For a number of years they remained in Placerville.

Mr. Carson went away to serve in a regimental band in the civil war in a company organized by Colonel Judah of Placerville.

Three of the Emigrant Band, including Mr. Corson, later went with a circus to Portland. Two traveled as far as the Sandwich Islands, but Mr. Corson said that he had enough of the sea, and so, he came to Gilroy. Mr. Hugh DeLacy engaged him to play at Brohaska's during the Fay Templeton engagement. From 1869 to 1881 he played contra base at Brohaska's Opera House.

Other members of the Brohaska orchestra were K. D. Bronson, who played the violin; Harry Tuck, also a violinist, and George Partman, who played the cornet. For many years Corson and Bronson had

a very popular band. Until the time of the earthquake in San Francisco corson kept the old violin used by him so many years at Brohaska's. When the fire came he sold the violin to a musician.

Mr. Corson recalled that especially brilliant was the Fay Templeton engagement when the audience threw \$5 pieces at little Fay. No child ever attracted so much attention, except Lotta.

One of the amusing incidents at Brohaska's was when John T. Malone made his debut as Othello. For the occasion a famous actress was brought to play Desdamona. When Malone embraced her, so carelessly was he made up that the black came off on her white gown. Desdamona did not share the audience's amusement, but she was so indignant that it nearly broke up the performance.

Another amusing happening was when Buffalo Bill came with Captain Jack Crawford advertised as "The Greatest Shot in the World." With much effect Captain Jack fired at the five of clubs in the rear of the stage and never once missed. Four times the enthusiastic Audience applauded as they saw the five of clubs drop down when Captain Jack hit the target. The fifth time Captain Jack's pistol broke, but the club dropped just the same. Then all knew that Captain Jack had a man stationed behind the scenes who not only was a great press agent, but to whom truth had no reality.

350. GENERAL SHERMAN IN SAN JOSE

The late J. C. Black, one of the best known and one of the oldest lawyers in San Jose, had an interesting interview with General Sherman when he came here in the eighties, two years before Sherman died. He stopped at the Auzerais house. Mr. Black had five brothers and 19 cousins in the civil war. Many of them were killed.

Among his relatives were General John C. Black of Chicago, Colonel Sam Black and Colonel John A. Black of Pittsburgh. They knew General Sherman, and so, J. C. Black went to call on the General and his daughter.

With him Mr. Black took a bouquet of roses, carnations and verbenias from his own garden. The General was greatly pleased with the flowers, and for half an hour or more chatted with Mr. Black on events of the civil war. Some of them have never before been recorded.

General Sherman gave some inside history as to what happened when General Grant was made Commander-in-Chief of the northern army. According to General Sherman, during one of the great battles in the southwest President Lincoln telegraphed Grant to go immediately to Washington to see the President. Grant handed General Sherman the telegram and told him to run things while he was gone. Grant started for Washington, and left Sherman in command.

When Grant returned he told Sherman that the President had greeted him with unusual cordiality. Lincoln took both his hands instead of one, and said to him that he had decided to appoint him Commander-in-Chief of the armies of the United States.

"Mr. President, I can't accept," replied Grant. "I have a little reputation now, but if I should take that position I should have no reputation in a week. A General who is able to command on the battlefield can't have his orders revoked by parlor generals in Washington as has happened with the army of the Potomac during the last two years."

The President made no reply, but he summoned Secretary of War Stanton. When Stanton entered the room the President said:

"Mr. Secretary, I've offered General Grant the command

of the armies of the United States. He says he can't take it because he can't have his orders cancelled as has happened during the past two years to the army of the Potomac. That means you and me , Stanton as sure as you live--you and me. What do you say, Stanton."

"You are the commander and chief of the army and the navy, Mr. President," replied Stanton. "I have nothing to say."

Then President Lincoln turned to Grant and told him that if he would take the position of commander and chief he should have a free hand. On that condition only Grant accepted the honor.

During their conversation General Sherman said to Mr. Black that General Grant in one quality excelled all other Generals. Grant had the ability to foresee what the enemy would do. He acted accordingly. This is why so many of Grant's campaigns read like novels.

As an example of this foresight of General Grant's, Sherman said that when Grant and he were at Vicksburg Grant told him that he was going to start at 6 o'clock the next morning for Jackson, Mississippi, to attack the Confederate General, Joe Johnson.

"I know Pemberton," said Grant, "the Confederate Commander. He and I were at West Point together. When we leave here with our army he will cut across the country and join Johnson and with him strike us. We must take away Johnson's artillery, scatter his forces and return toward Vicksburg to meet Pemberton. He will be near Black River." Grant had the map before him as he outlined the plan. "We will fight Pemberton and his army in the open field. Then we will take his artillery and get back into Vicksburg ahead of him. That's the best way to take the fort."

General Sherman said he listened attentively, and ans-

wered, "Grant, that is a magnificent paper campaign, but no General will walk into that trap. However, we can try."

They left Vicksburg the next morning at 6 o'clock. With the army they went to Jackson, Mississippi, crossed Black River and fought General Johnson and his men. In three hours they began to take his artillery and drive back his forces. Then they started with the army for Vicksburg. They were about 100 yards from Black River when they saw Pemberton's army coming over the open field. Grant asked Sherman to put his glasses on the line of men and tell him what that meant, and Sherman did so. It was Pemberton's army. General Sherman said that he took off his hat and offered it to Grant, declaring that he would be willing to go into Vicksburg bareheaded in deference to fulfillment of Grant's prophecy. He had not believed that Pemberton would leave Vicksburg as he did.

Grant and Sherman formed their lines of battle and attacked Pemberton's army and raced Pemberton to get to Vicksburg. Sherman and Grant lost the race by only 20 minutes because they had been obliged to haul so much artillery.

General Sherman denied to Mr. Black that the Union army set fire to Columbus, South Carolina. The southerners themselves burned their city, and Sherman tried to put out the fire. During this excitement there occurred an incident that sounds more like a happening of the theater than a page from history.

As the fire began a youth 18 years of age rushed up to Sherman and handed him a letter. The handwriting was familiar. The General found that it was from an old sweetheart whom he had not seen in 30 years.

"General Sherman," she wrote, "for God's sake, save my house. The fire is within two blocks. All I have on earth is in the house. It is worth about \$15,000. If you can't save me, I am gone."

Mr. Black asked the General what he did. Sherman said that he sent three brigades of the army to capture all the fire apparatus of Columbia. He had the fire put out in the block that contained his old sweetheart's house. He had no time to see her nor talk with her. After the fire was extinguished he gave the command to march, and got a last look at her on the porch weeping with joy that her house was saved. They never met again.

351. MOUNTAIN CHARLEY

One of the picturesque pioneers was "Mountain Charley." He was called the "Man With the Silver Skell." People usually forgot that he had another name, but in reality he was Charles McKiernan. He was born in Ireland and settled just over the summit in the Santa Cruz Mountains about 1850. Mountain Charley took up government land and raised stock.

Always he found himself troubled with bears killing his cattle, and so, in self-defense he became a great bear hunter. Hundreds of bears were killed by him. This may be why an outraged grizzly scarred the cattleman with his mighty paw.

Once in the early fifties Mountain Charley with one of his employes named Taylor, was on a high ridge in the Santa Cruz Mountains. Looking across the canyon he saw a grizzly in an opening on the opposite ridge.

Mountain Charley and Taylor immediately took the cattle

trail through the hazel brush leading to the ridge and the bear. Both men had their rifles, but the hazel brush of the trail was so thick that McKiernan and Taylor could not see ahead of them.

As the mountineers went up, down came Mr. Grizzly. Josiah Chase, who knew well Mountain Charley and who knew well the grizzly in the Santa Cruz Mountains, told me that a grizzly will not eat a man if the man will keep out of the grizzly's way. The grizzly finding an intruder in his path through the mountains simply knocks him down and walks on.

This was precisely what the grizzly did to Mountain Charley when they unexpectedly met on the trail. Quickly Taylor climbed an oak tree. The grizzly made a hook of one of his long grinders, ran it into Mountain Charley's eye socket and snapped off a piece of his skull about 3 by 5 inches. It was a neat job. Then he passed on. Taylor in the tree did not shoot. He thought Mountain Charley was dead and he prudently avoided picking a fight with the grizzly.

Finally Taylor got down. Mountain Charley was unconscious, mangled past recognition. The mountaineer was carried home. A doctor was sent for. After a remarkable operation by Dr. Ingersoll, Mountain Charley recovered and lived to be an old man. The physician inserted a silver cap in Mountain Charley's skull. The mountaineer wore it for several years.

In spite of the terrible wound inflicted by the bear the sight of Mountain Charley's injured eye was unimpaired though he could only raise the lid with his finger.

After a few years Mountain Charley found himself troubled by the silver plate. Secretion came from the tear ducts. Mountain Charley told the doctor to take out the plate. The physician did

so, and in probing he found that eyebrows not removed from the wound had set up an irritation.

Mountain Charley never allowed the plate to be put back again. The wound healed, but always the beating of his heart could be seen in the scar. He kept a long lock of hair over his eye so that the scar was not much noticed by strangers.

In the early days Mountai Charley was in the cattle business, but in the later years he bought large timber tracts and went into the lumber business. He had a mill and in the early eighties he and his son came to San Jose and opened a lumber yard.

Mountain Charley used to pass his summers at Adams Spring, and was often with his friend, Josiah Chase, who was in the lumber business at the same time.

About 30 years ago Mountain Charley died a wealthy man. One of his sons, James D. McKiernan, occupied the old home place over the summit. Another, Frank C., lives in Glenwood. One of his daughters is the wife of Ex-Sheriff Wm. Hammell of Los Angeles, another is Mrs. Helen Bailey. Mrs. Joseph Colombet is dead. J. M. McKiernan, the realtor, is Mountain Charley's nephew.

352. OLD HOTEL MAN

Until the railroad came to San Jose one of the most profitable businesses was that of keeping a hotel. Many fortunes were made in this way. Among the early hotel keepers in San Jose was E.J. Wilcox, who used to own the Morgan House. Mr. Wilcox made his home with his daughter, Mrs. William A. Beasly.

Mr. Wilcox was born in 1829 in Connecticut. He came to San Jose in 1853. His closest associates were always with the men

who were born in 1829. For many years he kept a list of those among his friends who came into existence in 1829. Many years ago his list numbered 20. They included Edward McLaughlin, Mr. Gish, Mr. Lion, Mr. Coykendall and the late Mr. Hihn of Santa Cruz. Mr. Wilcox called these men "the twenty-niners." Of the original 20 none survive.

In the old days when Mr. Wilcox first came there were several excellent hotels. One of the hotel keepers, George Bromley, later became famous in San Francisco, and throughout the club world, for his wit, his grace and charm. Mr. Wilcox's hotel was at the corner of First and San Fernando, where now stands the Wilcox Building. The Mansion House was kept by Abe Beatty in North First Street, opposite the Victory Theater. The Auzerais House was where the Auzerais Building now is half way between First and Market.

Mr. Wilcox said that when he started his hotel on the opposite corner was a mustard patch and the present site of the First National Bank was a frog pond. At that time the hotel business in San Jose was exciting. Everyone traveled by stage. Often there was a gold rush and the stages rolled into town crowded with passengers. Of course the home of the traveler at night was the hotel. The railroad came and San Jose was but a short distance from San Francisco. Mr. Wilcox left the hotel business and became a shoe merchant. He was always prominent in the community life in the First Presbyterian Church, and he was long one of the officers of the Pioneers.

353. BEGINNING OF WATER COMPANY

When Americans first came to San Jose water was obtained from the acequias, irrigation ditches used by the Spanish Californians, and from a few wells. At Eldorado and Market Streets was a

well of soft warm water where Spanish Californian women used to wash their clothes on boards. After clothes were washed, in order to remove the dirt the brown eyed senoras beat the garments against a board, as they had no washboards. Another picturesque well was in San Pedro Street, near the convent, where in the early fifties the prisoners used to pump water.

The water company really began in the early fifties, when a foreigner of unknown name rolled from house to house a barrel of pure artesian water which he sold to residences by the gallon. Later a Frenchman named Freschlau had a cart he used to carry water about the streets. He sold cans holding ten or 12 gallons for 25 cents.

Charles Stevenson was one of the first early dealers in water in San Jose. In the late fifties he had a wagon from which he sold artesian well water. Stevenson also sprinkled the streets.

One of the early artesian wells was at Fountain Alley and First Street. From this well Fountain Alley gets its name. On the eastern side of the town because of the low alkali formation the water was black and useless. One of the best early wells was on the property of Mackenzie and Pomeroy, who had the first foundry in San Jose. Mr. Pomeroy later moved to Los Angeles.

Donald Mackenzie was a Scotchman. He may be called the father of San Jose Water Company. On May 2, 1864, Mr. Mackenzie was granted permission to erect a large reservoir and lay pipes through the principal streets of this city for the purpose of furnishing the public with water, and also to keep municipal cisterns filled in case of fire. On the 26th of October, 1866, Donald Mackenzie, John Bonner of San Jose, and A. Chabot of Oakland, formed a San Jose Water Company.

Their capital stock was \$100,000. They had the privilege of supplying San Jose and Santa Clara with water for 25 years. Tanks and engines were at once constructed. Pipes were put through the streets, artesian wells were bored.

At the end of two years there was insufficient water for the growing need of the community. The right to use the water of Los Gatos creek was obtained. A new company was formed in 1866. The incorporators were Donald Mackenzie, A. Chabot, N. H. A. Mason, C. X. Hobbs and E. McLaughlin. Mr. Mason was president, Mr. Mackenzie was vice president, Mr. Rankin, secretary; Mr. Hobbs, superintendent, and Mr. McLaughlin, treasurer.

In order to have water from the mountains a part of Los Gatos creek was condemned. A reservoir was constructed four miles from San Jose and another four miles further on.

The late Wilbur Wilcox, who for many years was superintendent of the water company, told me that of all the iron pipe laid in 1879, when he went to work for the water company, only one piece was still in use. That was in First Street, between Santa Clara and St. John. The rest has all been taken up. It is not generally known that most of San Jose water comes from artesian wells. There are nine or ten of great depth the flow from which is millions of gallons daily. This is pumped six miles into a reservoir. So vast a supply comes from these wells that if the reservoirs in the mountains gave out it would make no difference to the city of San Jose. In fact in 1898 and 1899, when there was barely a fall of four inches of rain, no water was brought from the mountains. Pumpkins and corn were raised in the reservoirs and San Jose did not know the difference.

One of the earliest investors in the San Jose Water Company was the late C. T. Ryland. His son, Joseph Ryland, is president of the company.

354. EARLY THEATERS THEATRICAL SERIES

Spanish Californians in San Jose tell me that in the early forties many plays were produced in Spanish. One old lady, nearly 90, recalls pawning her jewels in order to go to the theater to see a favorite Mexican actor.

Under the Spanish regime theaters were open Sundays. This was done away with by the Americans, many of whom did not even believe in riding on Sundays. In September, 1850, the Town Council received a petition from the Spanish speaking residents requesting permission to keep a theater open on Sundays. This was denied by the Council. At the same time they refused the request of the Spaniards to be allowed to hold bull fights on Sunday. Undoubtedly the custom in California of having theatrical performances Sunday nights sprang from the Spanish Californian influence.

Eugene T. Sawyer, who came here in the early sixties told me that he recalled seeing on the walls of the San Jose Theater Spanish programs of plays produced in the early days.

James Stark opened the first American theater in San Jose. It was called the San Jose Theater. It stood in First Street opposite the Victory where now is the Theater Restaurant. The building is still in existence. Mr. Stark was aided in this venture by James Lowe, but the actor returned the money borrowed. Mr. Stark was an English actor. He and his wife both appeared in "Richlieu" the opening night of the theater, October 10, 1859.

At that time the ladies wore hoop skirts. The streets were very muddy. The John Murphys lived in a house with a balcony, now standing in Second Street near St. James Park. Mrs. Murphy, who was Virginia Reed, often said that her husband carried her in his arms to the theater when it first opened so that her slippers should not be muddy.

Mr. Stark brought the English opera companies to San Jose. He produced the "Daughter of the Regiment," "Norma," and "Il Trovatore." The Stark Theater was a failure commercially.

Gustav Brohaska opened the second opera house in San Jose. Brohaska first had plays in Armory Hall in 1866. On the same site he built a theater on August 18, 1870. It was called Brohaska's Opera House. It stood on the north side of Santa Clara Street, between Second and Third. The play was called "London Assurance." Miss M. E. Gordon (Mrs. John T. Raymond) played Lady Gay Spanker, Mr. Raymond was Mark Meddle. Before the curtain rose Miss Gordon delivered a flowery address which Frederick Hall in his history says was written by him.

Among those who appeared at Brohaska's Theater were Edwin Booth, Lawrence Barret, John McCullough, Clara Morris, Sarah Bernhardt and Artemus Ward. Brohaska's burned July 5, 1881.

Another theater, the California, was built in Second Street, opposite the site of the Jose Theater. It was erected on May 12, 1879, and was burned July 2, 1892. The owners of the theater were Messrs. Hayes and Donner. Mr. Donner was a rancher. Mr. Hayes was a dry goods merchant and capitalist. His widow married Mayor Martin.

The California Theater was opened by the amateur performance "Evadne," arranged by J. J. Owen. The proceeds went to build the electric tower. In the cast were J. J. Owen, Miss Mattie Patton who later became the second Mrs. Owen; Mr. J. H. Campbell, at one time District Attorney and the head of the law department of the Santa Clara University, and Mr. J. C. Kennedy, long a teacher and at one time principal of a Polytechnic High School. At the California Theater afterwards played Booth, Sheridan, Jefferson and Mrs. John Drew.

Several times Bayard Taylor came to San Jose to lecture. He always drew large crowds in the old City Hall which is now used by the Fire Department.

The Garden City Theater which stood near the post-office was burned. It was opened as an agricultural hall. Later a stage was added and some of the best performances came here. Modjeska was among those that played at the Garden City.

About 28 years ago the Victory Theater was built by Senator James D. Phelan. It was opened February 2, 1899.

355. SAN JOSE'S GRAND OPERA

In the San Jose Opera House, which was opened in 1851, people could be accommodated with seats. Mr. Stark opened the opera house in the play "Richileu." He himself played the part of the Cardinal and Mrs. Stark was Julia de Mortimer.

The Starks were English and came to California through Thomas Maguire, one of the earliest theatrical San Francisco managers.

They traveled all over California. The late A. P. Murgotten recalled seeing them playing at Placerville when he was there

as a boy in the mining camp. Critics differ about their merits as actors. Judge Rhodes considered that they were not first class, only fairly good. He recalled Mrs. Stark most pleasantly in tearful parts, while Mr. Stark shone in the tragic roles.

The late Sanford Benson told me of the first time, when as a boy in the fifties, he saw the Starks play. At the time Mr. Benson was at the Methodist College in Santa Clara. With other students, as a favor, he was permitted to come to San Jose to hear the great New York editor, Horace Greeley, deliver a speech.

The boys drove over from Santa Clara in the buses. Greeley spoke from a platform in Market Street, between Santa Clara and St. John. There was nothing especially appealing in him to school boys. The lads listened for a time, and then, fled and had their great experience of a first glimpse of a theater.

Mr. and Mrs. Stark were playing. According to Mr. Benson they gave much for the money. First came a curtain raiser, then a farce, "A Kiss After Dark" and last "Othello." To the school boys a wonder land was before them. There was the comedian. Griffin, and the unforgettable, beautiful Alicia and Jennie Mandeville, who charmed all the young men. Horace Greeley was never thought of during the entire evening by the school boys. Not until after 12 did the curtain fall. The Santa Clara buses had ceased running. The truants from Horace Greeley were obliged to walk back to Santa Clara.

When the Starks first came to San Jose they were received with open arms. They seemed to make the pueblo almost metropolitan, Society at that time, which Judge Rhodes told me was of the best tone and quality to be found in California, gave them warm wel-

come. The Reeds, the Branhams, the Hensleys, the Burnetts, the Rylands, the Wallaces, the Beldens, the Bascoms and the Halls went to the performances. Ladies wore décollete gowns. They were hoops and no hats. Their hair was done low.

James Lowe, grandfather of the motion picture actor Edmund Lowe, was the backer of the Starks' venture. However, the actors returned to patron's money advanced for the theater. At first, it seemed that San Jose would royally support the Starks. The actors were encouraged to build a handsome residence in Julian Street, at the corner of Third.

At times the Starks Theater was closed. They went to the small towns in California and played a long successful engagement in Shakesperean plays. After an absence they returned to San Jose. Even the first night the audience was small. The last night the theater was almost empty. With much indignation Stark made a speech to the empty benches and vowed that never again would he play in San Jose. He kept his word, and went away to the East as the support of Booth.

The Stark residence at one time was occupied by Judge and Mrs. Houghton. Later it was the residence of Judge and Mrs. John Reynolds. When the Prussias built an apartment house on the site the old residence was sold to a colored woman.

The theater building has had a varied career. It has been stable, a blacksmith shop and a restaurant.

After Mr. and Mrs. Stark left San Francisco they had many domestic troubles. Already Mr. Stark had had two husbands. Her first husband was Kirby, the tragedian, who was famous for "dying well." The San Francisco gallery gods used to call out, "Wake me up when Kirby

dies." Kirby, however, did not die for his wife. She divorced him and married Stark. Then she divorced Stark and became the wife of a rich New York physician, Mr. Gray. He died and left her a large fortune. After his death, late in life she married Charles L. Thorne, the elder.

Stark in his later years became an invalid and was dependent upon the bounty of his divorced wife. Mrs. Thorne had a great fondness for California, she returned to San Francisco, where she died about 20 years ago.

356. FOUNDER OF BROHASKA'S THEATER

Fred Brohaska, who now lives in Fresno, once sat in his music store in First Street and talked with me of his father, Gustave Brohaska, who built Brohaska's Opera House in San Jose. Gustav Brohaska, died about ten years ago at the age of 87. He was a German landscape gardener who came to California in 1849. He settled in Spanish Town in Tuolumne County. He made a great deal of money in the mines and cattle business. He came to San Jose because his brother-in-law, Hugo Otter, of the firm of Mangrum & Otter, was here in business.

At that time there were many Germans in San Jose, but no German performances. Mr. Brohaska conceived the idea of building an opera house. German plays were produced in Armory Hall in 1866, which was a crude theater. On the same site Brohaska built a theater which was opened August 18, 1870. It was called Brohaska's Opera House. About ten years later it burned.

The opera house experiment cost Mr. Brohaska about \$150,000. Fred Brohaska says that all he himself got out of it was a fine violin now in his possession. Gustav Brohaska was not a musician,

but he had a fine baritone voice. He sang in St. Joseph's at the same time that Jacob Lenzen was in the choir. One of the greatest attractions of the opera house was an orchestra of ten pieces. Some of the musicians were Mr. Blum, Jacob Overton, Sylvester Corson and George Partman.

Fred Brohaska and his sister, Miss Tillie, sometimes played small children's parts when a company sent on ahead the lines.

Fred Brohaska said that he made his debut on the stage unexpectedly and without invitation. When he was 4 years old. Ole Bull, the great violinist, was playing and he walked out on the stage to the horror of the violinist and the amusement of the audience.

As a child he made a reputation for realistic acting. He was playing the role of a boy about to be murdered. At the rehearsals the actress did not show the knife, but the night of the performance she flourished the weapon. The boy was so frightened that he screamed. The papers commented upon his dramatic ability. During his opera house experience Gustav Brohaska kept open house for actors. He gave German dinners that were long talked of. After he retired from the theatrical business he farmed in Washington and Idaho.

When Gustav Brohaska died he left four children: Fred, Theodore, Julius and Miss Tillie Brohaska.

357. AMATEUR ACTORS PART I

For nearly 20 years the late Eugene T. Sawyer, the magazine writer, playwright and author of Nick Carter, directed the most brilliant amateur theatricals ever seen in San Jose and probably in Northern California. Men and women later famous on the stage and in public affairs were among the company. There was Justice Lorigan

Senator Hansborough, John T. Malone, Samuel Piercy and Miss Eleanor Calhoun. Several of the most talented amateurs went on the stage with a great success. Most of the failures became judges and senators.

Mr. Sawyer told me that the clever amateur theatricals of the seventies and eighties were suggested by Charles DeLacy, a Scandinavian dish washer at the Morgan House. DeLacy was a man of considerable education who loved the theater. He was called the Morgan House Hamlet. He spoke English with a strong Scandinavian accent. Mr. Sawyer and his friends used to enjoy going privately to hear DeLacy declaim Shakespeare. DeLacy was president of the first amateur theatrical company. Mr. Sawyer was secretary. Mr. Charles Cleal was treasurer. Mr. Cleal afterwards had a cracker factory. He married the daughter of the pioneer, John Balbach. After a time DeLacy went to San Francisco, and Mr. Sawyer became director and stage manager. In San Francisco DeLacy published the Dramatic Review.

The most successful production which was produced in San Jose and given by Mr. Sawyer's amateurs was that of his own play, "Loyal Hearts," in Stockton in 1879. Many believe that "Held by the Enemy" was taken from "Loyal Hearts." In the cast was Eleanor Calhoun, afterwards a Serbian Princess. She played the leading woman's role. Another great beauty was Adele Waters, afterwards the leading woman of Joe Murphy, the leading Irish comedian. James Budd, later Governor of California, had a good negro part. John T. Malone, afterwards a celebrated Shakespearian actor, played the part of a Southern officer. In the company also was Miss Beatrice Lowery, later Mrs. B. L. Hollenbeck of Pacific Grove. Her father built the first

brick house in Monterey.

I once talked with Mr. Sawyer about the amateur theatricals staged by him in the sixties and seventies, and the people that played under his direction.

There was A. L. Hart, a nephew of Judge Rhodes, who became Attorney General of California. He appeared in "The Denouncer." William J. Lorigan played in "Under a Mask," but he had not sufficient talent to encourage him in the career of an actor. Perhaps that is why he had to content himself with being an Associate Justice of the Supreme Court. Charles M. Shortridge was another player who gave no evidence of dethroning Booth. Had he done so perhaps there would have been one less editor and lawyer in the world. His sister, Mrs. Clara Shortridge Foltz, was very good in comedy, but she did not think she could be a second Mrs. John Drew, and so, she turned into a suffragist and a lawyer. Among all Mr. Sawyer's actors he declared that the most hopeless was Henry C. Hansborough, a printer and an editor of that time. So little encouragement did he have to be a professional, that he left San Jose and eventually became United States Senator from Dakota.

Of all the players only two, said Mr. Sawyer, sacrificed a brilliant theatrical career for business. They were the first two proprietors of The News, Hugh de Lacy, "Hughie" he was called, and Charles W. Williams. Mr. Sawyer declared that Hughie De Lacy was one of the best actors of colored parts ever on the stage. De Lacy was born in Louisiana. He played the banjo and sang negro songs delightfully. Any Amateur play that had a part for Hugh De Lacy was already a success. Not even the late Governor James Budd, who played De Lacy's negro part in "Loyal Hearts" when the company went to Stockton, showed

so much talent.

And as for the late Charles W. Williams, later the proprietor of The News, Mr. Sawyer thought that he was one of the greatest comedians seen on the stage. Mr. De Lacy says that Mr. Williams had as much talent as Frank Daniels.

The late A. P. Murgotten played old Mobb in "The Golden Farmer." Old Mobb was a villian loaded with guns and knives. Mr. Murgotten was never a convincing villian. In "The Octaroon" he was an Indian. His war whoop was warranted to make the blood run cold and his grunts were splendid.

Mr. Sawyer told some of the troubles of managing amateurs. For a play he wrote, "Running for Office," which dealt with Santa Clara politics, Mr. Sawyer engaged Sam Rickey, afterwards famous as a minstrel, for a North of Ireland role. Rickey always came drunk to rehearsals. Sawyer engaged a local man to take his place. All went well till the night of the performance, when the understudy appeared drunker than Rickey. Sawyer had to throw him out and play the part himself.

One of the Sawyer amateurs was John W. Dunne, afterwards a manager and the husband in succession of two famous actresses, Patti Rosa and Mary Marble. Dunne played in Hoyt's "Milk White Flag," the part of the man Napoleon looked like. One of his best roles was in "The Dead Heart." He also took female parts. After leaving San Jose Dunne went to Utah, where he played Armand to the Camille of Mrs. Annie Adams, mother of Maud Adams. Dunne brought out Floradora.

Another great amateur was John T. Malone, who got

the fever for the stage at Santa Clara College, where he was one of the amateurs. After appearing here several times in the Sawyer productions he went to San Francisco and joined the great Sharo and Ralston Company at the old California Theater. He was afterwards the secretary of the Players' Club, New York. He married Anita Fallon, an actress and a painter. She was the daughter of Captain Thomas Fallon, who came to California in 1844 and married a Spanish woman. In 1846 Fallon was prominent in Fremont's operations. He fought under the "Bear Flag" and commanded the Pueblo of San Jose in 1846. Captain Tom raised the first American flag in the valley in July, 1848. The colors rose from the flagpole in front of the juzgado. The Fallons lived in San Pedro Street.

The late Frank Bacon was one of Sawyer's amateurs. Later considered one of the best actors of old men's parts on the stage. He played in "The Fortune Hunter," had a part in "Loyal Hearts," and he made a fortune from "Lightnin." While in San Jose he had a perambulating photograph gallery, which rolled on wheels. After he left San Jose he long played at the Alcazar, San Francisco, and became one of Belasco's best actors.

The man who proved the greatest actor of all the amateurs was Samuel Piercy, who was born at Coyote. The Piercy ranch was a part of the Laguna Seca. The Piercys lived in Julian Street between Sixth and Seventh. Mr. Sawyer first met Mr. Piercy at Gates Institute, where D. M. Delmas was an instructor of languages. Mr. Sawyer taught Piercy his first recitation in the Piercy barn. It was called the "Death of Montrose." Piercy made his debut on any stage as the villain in "Michael Erle" in 1866 under Mr. Sawyer's supervision.

In time he was one of the best villains on the stage. When he left San Jose he became Booth's leading man. He married Miss Dunphy, daughter of one of Belasco's best actors.

358. EARLY NORMAL LIFE AND TEACHERS

Miss Lucy M. Washburn is the only one of the Normal School teachers of the early seventies still living. Miss Washburn lives in Los Gatos.

Miss Washburn once talked with me of the early Normal School days. She is a niece of the late E. P. Reed and the late Elliot Reed. From New York she came to San Jose. She had been educated at Fredonia Normal School, Vassar College and Cornell University. She had taught in the Fredonia Normal School and in the Hampton Normal and Agricultural Institute, Virginia. Her specialties were mathematics, physiology and zoology.

Miss Washburn attributes much of the early success of the Normal School to the fact that the local members of the board of trustees virtually dominated the Normal School. They were Mr. Beans, Mr. Ryland and Dr. Cory. These trustees engaged Prof. C. H. Allen of Wisconsin, who was one of the best Normal teachers in Wisconsin. He came to San Jose as vice-principal, but when Dr. Lucky resigned he became principal.

Mr. Allen was a great power in the early days of the Normal School. The trustees wisely allowed him to choose the teachers. In 1875 Mr. Norton brought here Prof. Henry B. Norton, who had been at the head of the State Normal School at Emporia, Kan. Mr. Allen and Mr. Norton were like brothers, and developed the Normal School to a high state of excellence. Many country teachers came here and studied

in order to increase their efficiency. These students had saved their small salaries until they had sufficient to pay their expenses. In those days board could be obtained in San Jose for \$18 a month. The Normal School was filled with earnest men and women in their first youth, whose scholarship was most excellent.

In 1876 came another very able teacher, Miss Helen S. Wright of the Fredonia and Potsdam Normal Schools. Her work was to organize the women. In the same year arrived Prof. Ira More, one of the early teachers. Prof. John Braley, brother-in-law of Dr. Benjamin of the first days of the Normal School in San Jose. Mr. Braley used to give wonderful picnics at the New Almaden Mine. Meat was cooked over the coals around six blazing fires. Sometimes Mr. Braley organized picnics and barbecues at Blackberry Farm, near Cupertino.

After nearly 10 years of prosperity for the Normal in San Jose its vitality was tested in a wholly new manner. On February 10, 1880, there was to have been a birthday party given Prof. Allen by the pupils. Instead of a fete, at 2 o'clock in the morning flames were seen in the center of the Normal School Building and in the tower. For hours the fire had smouldered in a defective ash chute. Though the Fire Department and half the town rushed to save the building, it was too late. By 5 o'clock the great building was in ashes.

Fortunately most of the library and part of the furniture were saved. The museum, the herbarium and many books of reference were lost. The loss to the State was estimated at more than \$300, 900. The spirit of the directors of the Normal School was not broke by the fire. Even while the flames were crackling the executive committee of the board of trustees, with the principal and a few of

of the leading citizens held a meeting on the grounds to plan for continuing the Normal School. The work of the school was not interrupted for one day. The High School Building was promptly tendered to the Normal, and so the work of the students did not suffer in spite of inconvenience.

The evening after the fire a meeting of the citizens was held. A committee was appointed to visit the Legislature and urge an immediate appropriation to rebuild the destroyed structure. An appropriation of \$100,000 immediately was made to erect a new building, and this with \$50,000 promptly paid by the insurance companies, secured the future of the school, so that work was immediately started.

The Normal School was placed on a solid basis, but the question arose a day or two after the fire as to what should be done with Prof. Allen's huge birthday cake that was to have been eaten the day of the fire at a reception in his honor. For days the students had gathered flowers and woven wreathes to decorate the Normal library and parlors on this occasion. Now that there were no parlors to decorate it was decided to raffle the cake and give the proceeds to the students who had suffered through the conflagration. The holder of the winning ticket donated the cake to the class. Shortly afterwards at the home of Prof. Allen a reunion was held which gave an opportunity to all to taste the white mountain of sweetness.

The graduating students of 1880 planted as a class tree the Sequoia gigantea. Two small buildings were hastily fitted up in the school yard for the training department. Every day were verified the words of Prof. Allen, "Though the Normal Building is dead the Normal School still lives."

One year later the school occupied its new quarters. The building was erected within the appropriation. To the State Treasury the trustees returned \$1,063.05.

In 1881 an act was passed by the Legislature establishing a "Branch State Normal School" in Los Angeles County. The site was selected and the building was erected by the board of trustees at San Jose. Prof. Ira More of the San Jose Normal School was selected for the first principal of the branch school.

In 1889 a Normal School for Northern California was opened at Chico.

Since that time six other Normal Schools have been established in California. They are located at San Diego, San Francisco, Fresno, Santa Barbara, Humboldt and Chico.

359. THE WADES OF ALVISO

Charles E. Wade was one of the oldest American pioneers of Alviso. He came with an ox team to Salt Lake and then walked to California. He arrived in Los Angeles barefoot. The journey occupied 11 1/2 months.

Charles E. Wade was the son of Mr. and Mrs. Harry Wade. With their sons, Harry, Richard and Charles and their daughter, Elmira, they set out from Illinois April 1, 1849. The Wades took the southern route to California and were with a large party of 110 wagons guided by Captain Hunt. All emigrants had cows and oxen so that there were twelve or fifteen hundred head of cattle. Feed was scarce, and so difficult was it to find food for the animals that the travelers divided into three parties.

At the head of Death Valley 40 wagons struck out

alone and came straight west. All but three travelers gave up and went back to the old trail. One of these three was Harry Wade and family. The Wades came on westward over an Indian trail without guides. Finally the feed was so wretched that the oxen were too weak to haul the wagons. The Wades decided to leave all conveyances behind. They piled what supplies they could upon the oxen, abandoned the wagons and succeeded in reaching Los Angeles barefoot, just as food was exhausted.

From Los Angeles the Wades came to the San Fernando Mountains, at the head of the San Joaquin and there they mined at Fine Gold Gulch for two or three months. On leaving Fine Gold Gulch, by the way of Livermore, they journeyed to Santa Clara.

Harry Wade Jr. bought 160 acres of the Quito Ranch, near Meridian. The summer was dry in 1851, and to Wade's dismay he could not raise corn. It would not come to a head. To Mr. Wade a place that would not grow corn was a desert. Disgusted he moved to a spot where he was certain that there would be enough water, Alviso.

He bought a house and lot in Alviso and with his sons went into the teaming business between Alviso and San Jose. At that time this was a profitable occupation, because all freight for San Jose, Santa Clara and busy new Almaden came and went by way of Alviso. People thought Alviso was going to be a large city. Governor Burnett had a residence there, but it was Alviso's fate to grow smaller with age.

Later in the sixties Alviso was called the New Chicago. A watch factory was established there, although it is said that only one watch was made.

But no one ever complained of a drought in Alviso. Alviso's great asset was water. In 1851 and 1852 water stood 18 inches in the streets of the town. Houses were built on stilts, anticipating floods. High spring tide once a month covered the tidelands.

Charles E. Wade had a remarkable fish story of the flood winter in Alviso in 1851. He said that once he was driving an ox team when the water was 18 inches deep. He got down from his wagon and with the butt end of the ox whip wounded the salmon so that the fish surrendered.

Charles E. Wade married Miss Stefana Alviso, daughter of Domingo Alviso, and granddaughter of Ignacio Alviso, at one time Major Domo of the Santa Clara Mission and grantee of several ranches. For Ignacio Alviso the town was named.

Mrs. Charles E. Wade inherited many acres of her grandfather's land. On the Wade-Alviso place in 1878 was the largest strawberry bed in the world, 90 acres. After three years the floods came and destroyed the berries so that the Chinamen all departed and strawberry growing was abandoned. About three hundred acres of the Alviso ranch are still owned by sons of Mr. and Mrs. Charles E. Wade.

360. THE NEW ALMADEN PART I

From 1824 till today someone has always worked in the New Almaden mine. It is probably one of the oldest mines in America. For many years it was called the Chaboya mine, although the Chaboyas never owned it. In 1824 Don Luis Chaboya was one of those told of the existence of the mine.

Not till 1845 did the real lift of the mine begin. Then the discovery of quicksilver was made, and the Chaboya mine became

the New Almaden. The name Almaden comes from the Moorish Al-Maden, and means "The Mine." Captain Andres Castellero of the Mexican cavalry discovered quicksilver in the Almaden.

Castillero was a picturesque adventurer who had studied mining and medicine in Mexico. In 1846 he became a friend of Governor Alvarado and played a political part.

Especially was he connected with unearthing the hidden treasure of California. In 1845 Castellero observed in the Santa Clara river near Los Angeles a species of iron pyrites, usually as indication of the presence of gold. A ranchero named Lopez heard Castellero's statement and discovered considerable gold in the San Francisquito Creek 30 miles from Los Angeles.

Castillero first came on business from Mexico to Sutter's Fort. At Bodega, near Fort Foss, Castellero met some Indians painted with the tomato-red that they had obtained in the cave of the Chaboya mine. Castellero wondered about that paint. He asked the Indians where they got it. They told him near Santa Clara. They also told him that there was precious treasure in the mine.

Castillero probably was superstitious. Already the name Santa Clara had been the forerunner of the gold discovery in the south. He was a man of great energy. On November 12 he left Sutter's Fort and rode to the Mission Santa Clara. Father Real showed him some of the ore of the mine. It was very heavy, and Castellero pronounced it silver with an alloy of gold. There was great excitement at the mission.

Castillero began experimenting with the ore. He ordered some of it pulverized by the Indians. He sifted it upon live

coals, held in a small, brick tile. When the ore was very hot he took a tumbler full of water and sprinkled it upon the ore and coals. For a few minutes he held an empty tumbler upside down upon the coals. Holding the tumbler to the light, he observed particles of quicksilver in globular form. The baffling secret was out. The New Almaden was discovered.

"My fortune is made," said Castellero to Father Real and Jacob P. Leese, a brother-in-law of General Vallejo. These two men had watched the experiment. "The Mexican government has offered \$100,000 for the discovery of a quicksilver mine in the Republic of Mexico."

Under the Spanish of Mexican mining laws discovery gives the discoverer the right to the mine, but the right is lost unless the discoverer declares the discovery before a magistrate. Within 90 days from that time he must do the requisite work on his claim. Then unless a person appears with a prior right the mine passes to the discoverer.

Ten days after Castellero arrived at the Santa Clara Mission he went before Pedro Chaboya, Alcade of San Jose, and declared that he had discovered silver with an alloy of gold on the Berryessa ranch. Twelve days later Castellero returned to the Alcalde and announced that he had found liquid quicksilver. Possession of the mine was given Castellero December 30, 1845, by Antonio Maria Pico, First Alcalde. There was present no juez de letras (professional Judge). Antonio Sunol and Jose Noriega were witnesses.

Even before Castellero had his final papers he had formed a partnership at the Mission Santa Clara with Don Jose Castro,

afterwards General Castro, Secundino and Teodoro Robles and the Rev. Jose Maria del Real.

The Robles were Castillians, but born in Santa Cruz. They had one-quarter interest as did Castellero, Castro and Father Real.

Castillero employed a brother-in-law of the Robles, William G. Chard, an American, from Columbia County, New York, to reduce some of the ore. Chard's method was unbelievably crude. He charged a gun barrel with pieces of ore the size of a bean. Then he stopped the vent with clay and put the muzzle in a kettle of water. He built a fire around the base of the gun barrel. The heat drove off the mercury in the form of vapor. This passed out the muzzle end and was condensed in the water. Then it fell to the bottom in the form of liquid metal. Three or four gun barrels were used in the same way at one time. Thus Chard worked for several weeks.

Then Chard obtained six whaler's try-pots, large enough to hold three or four pounds of ore. Three of the pots were inverted over the other three, making a primitive furnace. Chard built a fire around these, and so arranged them that the mercurial vapor was conducted to the water. In this way, although three-quarters of the quicksilver was wasted, he reduced about 2000 pound.

Chard worked industriously till August, 1846. The Mexican war was on. He probably did not find it convenient to remain. He and the Indians left. The work was not renewed until the following spring.

When Fremont passed through San Jose with Kit Carson he visited the New Almaden Mine. He reported to the United

States Government that it was worth about \$30,000.

361. THE NEW ALMADEN PART II

The richest quicksilver mine in the world is the old Almaden in the Province of La Mancha, Spain. Pliny says that the Greeks obtained vermillion from the old Almaden. It was worked before the Christian era when it gave 100,000 pounds annu-the Romans.

By curious destiny the second richest quicksilver mine in the world's history is the New Almaden in California, the offspring of Spain. The New Almaden is 13 miles south of San Jose. It was first discovered by the Indians. No one knows precisely when. Certainly it was many years before the Spaniards came to this country in 1777. The Indians from Northern California, and even remote Oregon, long journeyed to the New Almaden Mine to obtain red paint for adorning their bodies. They visited the very hills in which the New Almaden was first opened, and their visits caused a cave in ally to the Romans.

The red earth from which they made the red paint the Indians called Mohetka. In reality, the paint came from cinnabar, which, when moistened, is reddish, and an excellent red pigment. The red pigment was of red sulphuret of mercury. When applied it salivated the Indians. However, the Indians were willing to sacrifice to the god of beauty.

For this god of beauty Indians risked their lives. They went far into what is now called Mine Hill. Always the god of beauty lured them farther. The Indians knew nothing of mining, nor the dangers of leaving the earth unbuttressed. In consequence, once when the Indians ventured too far into the mine it caved. Long after-

wards white men seeking gold, not beauty, found the skeletons of these Indians.

When the padres built the Santa Clara Mission the Indians' knowledge of the red earth in the high hill was a great help in adorning the mission. The Indians not only knew where to find Mohetka, but they knew how to apply it. Some of the decorations made a hundred years ago at the Santa Clara Mission existed till the last fire.

Indians always believed that great treasure was in the hill. The reddish-brown heavy quartz sparkled in the sunlight. Spaniards knew the legend of Queen Califia's golden island and dreamed that the hill near the lowering black hill now called Loma Prieta had a heart of gold. Always they hoped to reach that heart.

Don Jose Berryessa, who was shot by General Fremont and Kit Carson at San Rafael in 1846, was the first owner of the San Vicente Ranch on which is the New Almaden mine. The ranch was granted to Don Jose nearly a hundred years ago by Don Luis Arguello, Governor of California, for Berryessa's services as his secretary.

In the year 1824 an old Indian told Secundino Robles, majordomo of the Santa Clara Mission, and Don Luis Chaboya of his belief that there was a mine in the hill where the Indians found red paint, Robles, Father Real and Don Jose Berryessa set out to look for it.

The late Mrs. Fernandez, who used to live in Vine Street in San Jose, was the daughter of Don Jose Berryessa. She told me that her father was the first man to discover the mine. His foot brushed away the leaves on the memorable day in 1824 and revealed to Father

Father Real and Secundino Robles the opening to the mine. Done Jose Berryessa never had credit for his part in the discovery. His widow sold her interest in the property for \$60,000.

Robles told Don Antonio Sunol of the discovery and the location of the mine. Don Antonio was an alert, cultivated Spaniard from Barcelona, always eager for new financial ventures. He and Robles believed that the mine contained silver. With that in mind they worked it for one year. Sunol spent \$40 on the drift, and then abandoned it.

It was not for Don Antonio Sunol to find the precious heart in the wonderland of Queen Califia.

362. THE NEW ALMADEN PARE III

Within four years after General Fremont declared that the New Almaden was worth \$30,000 it earned \$25,000 a month for the company operating it.

Captain Castellero who discovered the quicksilver at the New Almaden and who named it, sold some of his shares to Messrs. Barron, Forbes and Walkinshaw of Tepic, Mexico. John Parrott, afterward one of the wealthiest men in San Francisco, was also another shareholder. When the new company took possession of the mine they brought from Mexico workmen, machinery and considerable capital. Furnaces were erected, and Captain (later General) H. W. Hallack was placed in charge.

In those days the ore was taken from the mine to the furnaces on pack mules. Afterward it was carried in wagons, then in cars. Crude as were the mining methods with each year the output increased. Soon it dazzled the world. The New Almaden exceeded in richness even the Old Almaden. Of course the Old Almaden had been in opera-

tion for nearly 30 centuries, but even in its comparatively young life the New Almaden produced almost as much quicksilver as the Old Almaden. It may yet even excel the output of its namesake.

During the fifties the New Almaden produced its richest ore. When the wealth of the mine seemed inexhaustible several suits were filed clouding the title of the Castellero Mine. From 1858 to 1861 the mine was closed by injunction of the United States Government while the court tried to decide whether the property belonged to Castellero, the Jose Berryessa family, the Justo Larias family or the United States Government on the ground that it was on public land.

The court held that Castellero did not perform the required amount of prospecting. Nor had Alcalde Pico had the right to take the place of a judge. One of the judges dissented, declaring that in the absence of a judge, the Alcalde had the right to make the registry and give possession. The final decision declared that the mine was on the Justo Larias grant, and the furnace and improvements on the Berryessa grant. In order to protect themselves the company purchased these two ranches.

In 1864 the company sold the mine and all improvements to the Quicksilver Mining Company of New York for \$1,700,000. Mr. Samuel Butterworth became the manager of the mine and remained in that position until 1870. Immediately he introduced modern furnaces and capitalized the New Almaden for \$10,000,000.

Immediately the mine entered a new era of prosperity. All through the sixties it poured out its molten wealth, but 1874 was the year of the greatest production. Then it produced ten

times what it did in 1850. In 1864 the ore was at its richest.

The climax of the prosperity of the New Almaden came when Mr. James Butterworth was sent from New York to take charge of the mine. Mr. Randol was the brother of the late Colonel Randol of the Randol battery at Gettysburg which was charged by Pickett. Randol was very thorough. He commissioned Mr. Jennings, a mining engineer, to visit the Old Almaden in Spain and study the methods. Jennings reported that the Spanish methods were hopelessly primitive. Then Randol went at the New Almaden in his own way.

He installed a million dollars worth of new machinery. From the foreman in the mine he tried to make a map of the drifts and tunnels, but he found there was great confusion among the miners as to the direction of these roads in the bowels of the earth. Not one of them could draw a map of the tunnels.

"If it's guess work," said Randol, "we'll sink a shaft right here in the center of the mine. I have as good a chance of being right as you."

This was the origin of the great Randol shaft which was sunk 2450 feet into the earth and has produced more quicksilver than any other opening into the earth at New Almaden. Other shafts, the Santa Isabel, the Garfield, the Buena Vista have been sunk and have led to rich production. Mr. Randol managed the mine 24 years. He died in New York December 23, 1903. After Mr. Randol left the New Almaden gradually declined in importance, During Mr. Randol's time as many as 1000 men were employed, and 6000 people were at Almaden. Eighty miles of tunnels under the ground were dug and 16 furnaces were run.

From 1850 to 1896 the New Almaden produced 1,594,049,240 pounds of ore or 924,447 flasks of quicksilver, This is four-fifths of the entire production of the old Almaden since the beginning of history.

364. THE NEW ALMADEN PART IV

In the fifties there was no church at the New Almaden, but there was worship in the hearts of the rough miners. That worship found expression when the miners hewed out of the solid rock a niche for a shrine. Here reverently they placed a small figure of a saint before which always burned propitiatory candles. The saint was "Nuestra Senora de Guadalupe." She had bead eyes and a head dress. With a handsome white gown she wore red morocco slippers. Before this image the miners daily prostrated themselves for protection from accidents and death.

And the men had need of protection. There was fire damp, cavings, violent, sudden spurts of water. Worst of all was the death hourly inhaled by them. Workmen in the furnaces grew hollowed-eyed and were able to endure their toil only one day in four. In 1854 every tree on the mountain was blighted, Mercury was in the spring water, Cattle half a mile distant sickened.

Before Randol came and with him modern machinery, the men worked only by candle light. Seventy pounds of candles were daily consumed. At that time one descended into the mine by a ladder. One misstep and down you went into the abyss. The first woman to thoroughly explore the mine was Mary Halleck Foote, the writer. At that time her husband was engineer of the mine.

Two kinds of laborers worked at the New Almaden.

The baratero used the pick and did the blasting. The tanatero carried the ore out of the mine. The tanatero was a wonderful specimen of muscular man. He wore only pantaloons legless. Sometimes he had on sandals.

In a large sack slung to his back and supported by a strap passing over the shoulders and around the forehead, the tanatero carried from 200 to 300 pounds of ore up flight after flight of perpendicular steps in the great cavern dimly lighted by candles in the niches of the walls. So secure was he in his footing, and so strong that he made as many as many as 20 or 30 journeys a day. Year after year he panted up the ladder, breathing heavily, his face tense, as if such life could not longer endure. It was a matter of pride with him never to carry less than 200 pounds. He dumped his burden into the car, gaily lighted a cigarette and lightly returned to his heavy task. Seldom did he make the fatal slip.

The work of the baratero was very crude. He, too, was almost naked. First he dug himself out of sight. Then he made another huge cave in which he lost himself. Sometimes several caverns came together in a point. Then the miners built a fire to work by which incidentally took some of the dampness out of the air. The baratero worked from eight to ten hours a day. For his labor he received about two and half dollars which was much for a Mexican, though its purchasing power after the discovery of gold was far less than it is today. Some of the barateros had leases and made several hundred dollars a month.

365. THE NEW ALMADEN PART V

Never among all the mining camps of the United States, declare the old miners with pride, was there a camp so wild

and woolly as New Almaden .

In New Almaden the motto was "Yesterday is no more, live today, tomorrow will never come." No one shook hands with the devil until he met him, and no one ever saw the devil in New Almaden. Why meet the devil when it is so easy to turn your back? Hearts never stopped beating their joy. Eyes never turned to the tranquil valley below the mountains. There were a hundred seconds of life in every minute on the mad hill near Loma Preta. Of course, if you were ready for your grave, move to San Jose, raise fruit.

Almaden was dizzy with its bigness and newness. In a night it had out-distanced San Jose. Six thousand inhabitants made it the metropolis of Santa Clara County. In its dizzy bigness and newness life was one long fiesta. Come to our cock fights, our bull fights, our flour battles, our fandangoes, our cascarone carnivals! Everybody is welcome! Don't insult us by refusing food and drink! That was Almaden.

In its joyous, noisy youth no one ever accused Almaden of being moral or law-abiding. There was a dead man or two each pay day. In the big saloons on the hills sometimes a shift of miners engaged another shift. Not a dish, mirror or window was left whole in the place. Usually the corpses of one or two men were carried out.

Saloonkeepers did not wash from the floor the blood stains. Blood stains added distinction to saloons. Proudly were they exhibited. History is made of blood stains.

When these unexpected dramas occurred the officials did not interfere. Law? Almaden was law. If an unsophisticated San Jose Sheriff wanted real trouble he went to Almaden to make an arrest. To a man Almaden rose and fired rocks at his head. Almaden was above

law. Sheriffs obeyed, and went back to their "dammed civilized San Jose."

When any of the Mexican law breakers in the valley desired a quiet retreat they took refuge at Almaden. Secure, they remained in the tunnels for years until they escaped to the south.

There was little litigation in Almaden. Difference of opinions were usually settled with pistols or knives. Occasionally it was felt necessary to restrain some over-exuberant miner. He was locked in the cave jail in the hillside on the slope between the English and Mexican towns. His feet were weighted with a ball and chain,

Not for bloodshed nor violation of the law, but for its festivities, will New Almaden always live in the history of the county. There senors strummed guitars under the windows of señoritas. There were last heard all night the Spanish songs of love.

In the saloons were great dance halls where men and women danced the Mexican national dance, the jarave. At the dancers' feet the miners threw gold, and then, sought the señorita's hand in the dance. All night they danced. Why sleep when one can dance?

Then in front of the church was the daily cock fight. Some miners had ten or 15 birds. Great was he and great was his pride, who possessed the gallo campeón.

In front of the church also the American circuses pitched their tents. Once or twice a year heavy ox teams pulled heavy wagons up the steep heights to the little church erected in the fifties and presided over by Father Antonio.

A circus was all very well as an exotic American novelty, but real life was Sunday, when toreadors came from San Jose for

the bull fight. At first the arena was in the laurel wood near the hacienda. Later it was in the green field called Bull Run which overlooked the Spanish and English towns. Almaden had bull fights till the seventies. They were prohibited in the early fifties by the Americans.

Then there was a great flour battle. Gaily mounted officers marshalled their forces, 50 on a side. The buglers gave the signal. Flags waved. The enemies advanced. Seventy sacks of flour made them all like snow. The crowd packed it in balls and hurled them wildly, like ammunition, until the entire population was covered with snow. The victors were crowned with laurels. Exulting they paraded the plaza.

The gayest carnival in Almaden was the cascarone. All the year empty egg shells were saved for this fiesta. These shells were filled with particles of perfumed tissue paper, sometimes with liquid perfume. The game was to break the cascarones on each other's head.

The Day of the Cross, on May 3, was another great event. Our Lady of Guadalupe was taken out of her niche in the mine. Mass was said in the plaza. Then Our Lady in a wagon led the procession through the hilly streets. Afterwards there was a ball and fireworks.

Who can forget the Saturdays of Glory? Not the miners. Their eyes sparkled at its mention. It was the Saturday after Good Friday. The people made a hideous image of Judas and stuffed it with fire-crackers. Then there was a carnival of mock crime. The miners stole all night and brought their ill-gotten goods to Judas.

Each ransomed his property by paying a certain sum. After mass Judas was hanged. Then firecrackers were exploded. Poor Judas was finished.

As the years passed on the hills there were fewer serenaders, fewer bright carnivals. Finally they were no more. The last to linger was Independence day, September 16, when all rejoiced in the freedom of Mexico. Two speeches were delivered, one in English, one in Spanish. There was a ball and then a barbecue at which beer flowed. Sometimes those in San Jose seeking the carnival spirit journeyed to the fiesta. But the year 1811 saw the last celebration of the Independence of Mexico at Almaden. Now only echoes of fiestas disturb the silence on Mine Hill.

365. THE NEW ALMADEN PART VI

Even the great golden poplar candles on the banks of the Guadalupe could not light up the way of mystery and tragedy that led to Almaden. Fog had settled down on the black face of Loma Park, where tempests brew and threaten. This day even the abandoned Protestant Church that, like a holy fortress, guards the summit of the mountain was hidden in fog. The mountain was a gray ghost.

We passed the school house, the white spacious manager's residence, the neat little vine draped cottages on the left among the sycamore and eucalyptus trees. We saw the old hacienda store with its barred windows, the little brook purling along the rough, old, dull red brick sidewalk in front of the cottages, we passed the reduction furnaces with their high chimneys, and the manager's office. It was the last touch of reality.

We shot straight up toward the dead city. We ourselves became ghosts. We could see neither before nor behind. Only

the red brown road was visible. In an automobile we chugged through the clouds. Thus for half an hour we went, but finally we sailed by some tiny, shadowy houses. We were at English Almaden.

The company's deserted brick store, the company's office, the manager's residence, the tiny fire-house, a rickety school house among cypress trees above the level of the Plaza and the dim, deserted church among the oaks on another knoll, made up the silent motionless town. Our own voices sounded strange as we wandered about the ghost city.

The schoolhouse doors were flung wide open, as if the children had gone to play. In one room was a large, square, silent piano. On the floor was a book the children had used. It was called "Robinson's Progressive Intellectual Arithmetic on the Inductive Plan." One couldn't blame children for deserting such a book, even though it was studied in 1875 in a delightful garden.

We came down from the school-house because in the plaza we saw a ghost holding a candle. No, it was a man. My interpreter addressed him in Spanish. His name was Clemente Chaboya. He was the last man in the old Mexican town hidden in the fog on the hill above. Clemente Chaboya was courteous, he led us to his old ghost city.

As we wound gradually up the hill in the fog people appeared. Some workmen were putting a new roof on a red building. In the old time it was occupied by the Justice of the Peace. The jail was farther up the mountain side, a cave. Not that they had much use for a jail in Almaden, Clemente Chaboya smiled. Only occasionally did they put a man in jail.

"How long have you been here?" I asked the ghostly guide.

"Always," he replied. "I began work here. This is all I know or remember. I am 66."

"You worked in the mine today?"

"Always."

"What luck?" He shrugged his shoulder.

"How much can you make in a year?"

"My four boys and I earn about \$1500 a year. We work by contract."

"How much did you make in the old days?"

"A great deal. I don't know. In the old days I never counted money."

"Is there a great deal of quicksilver in the mine?"

"Yes, if you can find it."

We climbed the steep hill with its red-brown earth and its walls of red-brown and gray-blue rock. Some ghosts of houses cling to the perpendicular hillside below. This was where the Cornishmen lived. Runaway Scotch broom having escaped from the old gardens, makes an unruly hedge along the roadside. Occasionally there is a sprig of yellow bloom. Up this steep way often in the old days horses hauled the heavy circus wagons in order to divert the dwellers in Mexican town.

On a half level space about a mile above the schoolhouse stand two or three houses. One is deserted. Another is occupied by the last inhabitants of Mexican town. These houses huddle near a hill jagged with boulders. On this rocky peak is a flag pole where a flag on the 16th of September always flew to celebrate the Independence of

Mexico.

The few remaining houses on the hill are half-covered with rose bushes and oleander trees. We seemed to be on an island in the clouds. To the left is a higher island where is the old cemetery. We continue the rough, rocky way, climbing for a mile farther into the clouds until we come to a brown furry open field where in the old days the toreadors met the wild bulls and maddened them by flaunting flaming mantles in their faces. It was Bull Run!

Once again at the foot of the hill I asked Clemente Chaboya, "Do you always intend to live here?"

"Always."

We left him standing on the hill, an oddly bent little ghost. Old Almaden became a ghost.

367. SHERMAN AND GOVERNOR MASON AT NEW ALMADEN

Governor R. B. Mason and Lieutenant William T. S. Sherman (afterwards General Sherman) in 1848 visited New Almaden. This is revealed in official letters in a volume owned by Dr. Kline, formerly of the College of the Pacific. On the return of Governor Mason and the young Lieutenant to Monterey, the Governor wrote Adjutant General Jones at Washington describing what he saw on his tour of California. The gold excitement had just broken out and the Governor and the Lieutenant went into the Sacramento Valley, met Mr. Marshall and Captain Sutter and saw placer mining. In his letter he speaks of visiting Captain Charles Weber at Weber's Creek. He tells of the high prices prevailing in California. He speaks of Captain Weber selling a man a box of sedlitz powders for \$24.

On their return to Monterey the officials passed

through San Jose and visited the New Almaden mines, the title of which was then in a very chaotic state. Several different companies claimed the mines and the Governor wished to see which was right.

He writes that among the claimants a company made up of Messrs. Cook, Belden, Alrigo, Ricord, Petro Sansevain and his partners also claimed their share. Sansevain married one of the Berryessa girls whose father had the grant to the mine, and on this he based his claim. Jose Sunol was another claimant, and the Governor thought that Sunol had as good a right as any to the mine.

He says in his letter: "I touched at New Almaden, the quicksilver mine of Mr. Alexander Forbes. Consul of her Britannic Majesty at Tepic. This mine is in the spur of mountains 1000 feet above the level of the bay at San Francisco, and is distant in a southern direction from the Pueblo San Jose about 12 miles. The ore (cinnabar) occurs in a large vein dipping at a strong angle to the horizon. Mexican miners are employed in working it, by driving shafts and galleries about six feet by seven following the vein.

"The fragments of rock and ore are removed on the backs of Indians in raw hide sacks. The ore is then hauled in an ox wagon from the mouth of the mine down to a valley well supplied with wood and water, in which the furnaces are situated. These furnaces are of the simplest construction, exactly like a common bakeoven in the crown of which is inserted a whaler's trying kettle; another inverted kettle formed the lid. From a hold in the lid a small brick channel leads to an apartment or chamber, in the bottom of which is inserted a small iron kettle. This chamber has a chimney.

"In the morning of each day the kettles are filled

with minerals, mixed with lime. Fire is then applied, and kept up all day. The mercury, volatilized, passed into the chamber, is condensed on the sides and bottom of the chamber, and flows into the pot prepared for it. No water is used to condense the mercury.

"During a visit I made last spring four such ovens were in operation and yielded in the two days I was there 656 pounds of quicksilver, worth at Mazatlan 11.80 per pound. Mr. Wilkinshaw, the gentleman now in charge of the mine, tells me that the vein is improving and that he can afford to keep his people employed even in these extraordinary times. This mine is very valuable of itself, and becomes the more so, as mercury is extensively used in obtaining gold. It is not at present used in California for that purpose, but will be at some future time. When I was at this mine last spring, other parties were engaged in searching for veins, but none have been discovered that are worth following up, although the earth in that whole range of hills is highly discolored, indicating the presence of this ore. I send several beautiful specimens properly labeled. The amount of quicksilver in Mr. Forbes' vats on the 15th of July was about 25,000 pounds.

"I enclose you herewith the sketches of the country through which I passed, indicating the position of the mine, and the topography of the country in the vicinity of those I visited."

with minerals, mixed with lime. The air then cooled, and kept up all day. The mercury, volatilized, passed into the chamber, is condensed on the sides and bottom of the chamber, and flows into the pot prepared for it. No water is used to condense the mercury.

"During a visit I made last spring four ounces were in operation and yielded in the two days I was there 626 pounds of quicksilver, worth at Market II. 80 per pound. Mr. Wilkinson, the

gentleman now in charge of the mine, tells me that the veins improve and that he can afford to keep his people employed even in these

extraordinary times. The mine is very valuable of itself, and becomes the more so, as mercury is extensively used in obtaining gold. It is

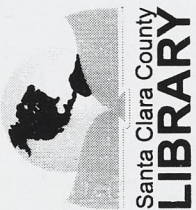
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were engaged in searching for veins, but none have been discovered that are worth following up. Although the earth in that whole range of hills

is highly discolored, indicating the presence of this ore, I saw none. The amount of quicksilver

in Mr. Forbes' vein on the 15th of July was about 25,000 pounds. I enclose you herewith the sketches of the country

through which I passed, indicating the position of the mine, and the topography of the country in the vicinity of those I visited."



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